

How to Audit Your Bereavement Leave Policy



The 9 things you need to check to ensure compliance.

In addition to being emotionally devastating, losing a loved one is often disruptive to the extent it requires employees to miss a couple of days of work to attend the funeral and spend time with family. It's also rather grotesque to think that not too long ago, employees who took time to grieve risked losing their jobs. Today, the right to take unpaid bereavement leave is a fixture of employment standards laws in all parts of Canada (except Nunavut). But [leave rules vary by jurisdiction](#). This creates compliance challenges for HR directors, particularly if your organization operates in more than one province. Here are the 9 things to check to vet your own [bereavement leave policy](#)—or create a new policy if you don't already have one.

1. Minimum Employment Service Required for Eligibility

In many provinces, employees must have a minimum amount of continuous service with the same employer to qualify for bereavement leave. At a minimum, make sure you provide bereavement leave to any employee who's eligible for it under the employment standards rules of your province:

- **All employees:** Under federal and BC, NB, NL, NS, NT, PEI, QC and YK law, employees can take bereavement leave regardless of how long they've been employed—although FED and NL law also entitle employees with, respectively, 3 months' and 30 days' service to **paid** leave as well;
- **90 days/3 months:** AB, NS, PEI;
- **30 days:** Manitoba;
- **2 weeks:** ON; and
- **13 weeks:** Saskatchewan

2. Eligible Family Members

Employees can take bereavement leave if a “family member” (or an “immediate family member” under FED, BC and SK) dies. While each jurisdiction has a slightly definition, eligible family or immediate family member typically includes:

- The employee's “spouse” (generally defined as including a common-law spouse and, in some cases, adult interdependent partner), child, parent, grandparent, grandchild or sibling; and
- A spouse's child, parent, grandparent, grandchild or sibling.

Other relationships for which bereavement leave is allowed in some jurisdictions:

- An uncle, aunt, niece or nephew (AB, MB)
- A current or former ward or guardian (AB, BC, MB, NS);
- A person that the employee considers to be like a family member regardless of actual blood or marriage relationship (AB, MB, NB);
- A person with whom the employee permanently resides (FED, BC)
- A person who was dependent on the employee for care or assistance (ON).

3. How Many Days of Bereavement Leave Employees Get

The number of days of bereavement leave employees get per year depends on jurisdiction:

- **1 week:** Yukon (if the funeral falls within that week);
- **7 days:** Northwest Territories (if the family member's funeral is outside the region where the employee resides);
- **6 days:** Quebec;
- **5 days:** Federal, Saskatchewan;
- **5 consecutive calendar days:** New Brunswick;
- **5 consecutive work days:** Nova Scotia;
- **4 or 3 days depending on whether immediate or extended family member dies:** PEI;
- **3 days:** Alberta, BC, Manitoba, Newfoundland, Northwest Territories (if the family member's funeral is outside the NWT region where the employee resides); and
- **2 days:** Ontario

4. Bereavement Leave with Pay

Bereavement leave is generally unpaid. **Exceptions:** In 4 jurisdictions, employees get not just unpaid but also paid bereavement leave:

- **Federal:** First 2 of 5 days of bereavement leave are paid at the employee's regular wage rate if the employee has at least 3 months' continuous service;
- **Newfoundland:** Employees with at least 30 days' continuous service get 1 paid day and 2 unpaid days; employees with less service get only the 2 unpaid days;
- **Prince Edward Island:** Employees get 1 day of paid leave and 3 days of unpaid leave if the death is to an immediate family member and 2 days of unpaid leave if the death is to an extended family member; and
- **Quebec:** First 2 days of the 5 days of leave are paid if the family member who dies is a spouse, child, spouse's child, parent or sibling; employees also get 1 additional unpaid day per year if a son/daughter-in-law, grandparent, grandchild, or a spouse's parent or sibling also dies during that year.

5. When Leave Can Be Taken

Under federal rules, leave must start on the date of the family member's death and end 6 weeks after the funeral, burial or memorial service, whichever comes later; in Saskatchewan, leave must be taken within the period that starts 1 week before and ends 1 week after the funeral; and in New Brunswick and Prince Edward Island, leave must start no later than the date of the funeral or memorial service. None of the other jurisdictions specify a start date or time window for bereavement leave.

6. How Leave Can Be Taken

Several jurisdictions, including FED and ON, allow employers to require that employees take bereavement leave in full-day increments and to count a partial day as

a full day. Thus, for example, an employee who takes off the morning only is deemed to have used 1 day of her allotted leave even if she works the afternoon.

7. Leave Notification Requirements

Employees generally must give employers written notification of their intent to take bereavement leave and its expected duration, preferably in advance but, if that's not possible, as soon as possible after leave begins. Once leave starts, they must notify employers of changes to their return date.

8. Required Verification of Leave

Unlike most other forms of family leave, employees generally don't have to provide verification of their need to take bereavement leave. **Exceptions:** In Manitoba and Ontario, employers can request evidence of the employee's entitlement to leave, e.g., the family member's death certificate or obituary.

9. Ban on Reprisal and Retaliation

Employers aren't allowed to terminate, demote, cut the pay or benefits or take other adverse employment action against employees for taking or asking about their bereavement or other employment standards leave rights.