

Organ Donor Leave Policy



PURPOSE

[Company Name] (“the Company”) recognizes that employees who choose to donate an organ or tissue for medical purposes may require time away from work to undergo or recover from the procedure. This Policy outlines the eligibility criteria, leave duration, application process, and job protections associated with Organ Donor Leave, in compliance with applicable federal, provincial, and territorial employment standards 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. In the event of a conflict between this Policy and local legislation, the greater right or benefit to the employee will apply.

DEFINITIONS

- **“Organ Donor Leave”**: A job-protected leave of absence for employees who donate all or part of an organ or tissue for transplant and require time off for the surgery and recovery.
- **“Organ/Tissue Donation Procedure”**: A medically necessary operation to remove an organ (e.g., kidney, liver lobe) or tissue (e.g., bone marrow) for transplantation into another individual.

ELIGIBILITY

Employees may qualify for Organ Donor Leave if they:

1. Meet any minimum service requirements set out in the applicable employment standards legislation (e.g., a specified period of continuous employment).
2. Are undergoing a medically recognized organ or tissue donation procedure as prescribed by a qualified healthcare professional.
3. Comply with any notice or documentation requirements set out in this Policy and by law.

LENGTH OF LEAVE

- The duration of Organ Donor Leave varies by jurisdiction. Some provinces/territories have statutory provisions that provide a specific number of weeks for recovery, while others do not explicitly address organ donation and may rely on general sick or medical leave provisions.
- Leave may be extended if required for additional recovery time, subject to medical documentation and applicable legislation.
- Refer to the Table of Jurisdictional Differences for any specific entitlements or maximum durations 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 Organ Donor Leave as soon as reasonably practicable, providing the anticipated start date and expected return-to-work date if known.
2. **Documentation:**
 - The Company may request a note from a healthcare provider confirming the planned organ or tissue donation procedure and the expected recovery period.
 - All documentation will be treated confidentially and used solely to verify leave eligibility and duration.

JOB PROTECTION

1. **Reinstatement:** Employees taking Organ Donor 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 Organ Donor Leave in accordance with this Policy and the law.

CONTINUATION OF BENEFITS

- If required by applicable legislation, health and other benefits (including pension or retirement plan contributions) will continue during the leave, provided the employee continues to pay their share of any required premiums.
- Specific benefit continuation rules vary by jurisdiction; consult local legislation for details.

RETURN TO WORK

1. **Notification:** Employees must provide reasonable notice before their return date if it differs from the originally scheduled timeline.
2. **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 the employee requires ongoing medical support or modified duties upon return, the Company will consider reasonable accommodations in line with human rights legislation.

CONFIDENTIALITY

All personal and medical information provided in connection with Organ Donor 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 Organ Donor 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 match your organization's internal procedures and any relevant legislation in your jurisdiction(s) regarding organ or tissue donation.
2. **Review with Legal Counsel:** Confirm that the policy aligns with applicable provincial/territorial or federal employment standards, as well as human rights and privacy laws.
3. **Communicate to Employees:** Ensure the final policy is accessible (e.g., employee handbook, intranet) and that managers understand how to administer it.

Table of Jurisdictional Differences

Organ Donor Leave provisions may not be explicitly recognized in every province or territory. In some cases, employees rely on general sick/medical leave or other protective leave provisions. Below is a summary of known specific organ donor leave provisions and related frameworks. Always consult current employment standards for precise requirements.