Sickness – Know The Laws Of Your Province



Sick leave regulations are essential for protecting employees who are unable to work due to illness or injury. These regulations require **employers** to provide unpaid or paid leave, depending on the employee's length of service and the jurisdiction's specific requirements. Employees may need to provide medical certification for extended absences, and **employers must** ensure job protection during the leave period. Additional provisions exist for critical illness leave, allowing employees to take time off to care for a critically ill child or adult family member. While general sick leave entitlements exist across Canada, specific policies vary by province and territory to address regional employment standards. Ensuring compliance with these regulations helps safeguard workers' health, maintain workplace stability, and support employees during times of medical need.

FEDERAL

In Canada, **employers** are **required** to provide leave related to critical illness under the Canada Labour Code, **Section 206.4**. **Employers must** grant up to 37 weeks of unpaid leave for employees caring for a critically ill child and up to 17 weeks for a critically ill adult, provided a health care practitioner certifies the need for care. The leave **must** be taken within 52 weeks of the certificate's issuance and cannot overlap with other caregiver leaves for the same individual. **Employers must** ensure job security and reinstate employees to their previous or equivalent position upon return.

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

Leave Related to Critical Illness

Definitions

(1) For the purposes of this section, care, critically ill adult, critically ill child, family member and support have, subject to the regulations, the same meanings as in the regulations made under the Employment Insurance Act and week has the same meaning as in subsection 206.3(1).

Leave – 37 Weeks

(2) Every employee who is a family member of a critically ill child is entitled to and **shall** be granted a leave of absence from employment of up to 37 weeks in order to care for or support that child if a health care practitioner has issued a certificate that:

(a) states that the child is a critically ill child and requires the care or support of one or more of their family members; and

(b) sets out the period during which the child requires that care or support.

Leave — 17 Weeks

(2.1) Every employee who is a family member of a critically ill adult is entitled to and **shall** be granted a leave of absence from employment of up to 17 weeks in order to care for or support that adult if a health care practitioner has issued a certificate that:

(a) states that the adult is a critically ill adult and requires the care or support of one or more of their family members; and

(b) sets out the period during which the adult requires that care or support.

Period when Leave may be Taken — Child

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

(a) begins on the first day of the week in which either of the following falls:

(i) the day on which the first certificate is issued in respect of the child or adult, as the case may be, that meets the requirements of subsection (2) or (2.1), or

(ii) if the leave begins before the day on which the certificate is issued, the day from which the health care practitioner certifies that the child or adult, as the case may be, is critically ill; and

(b) ends on the last day of the week in which either of the following occurs:

(i) the child or adult, as the case may be, dies, or

(ii) the expiry of 52 weeks following the first day of the week referred to in paragraph (a).

Aggregate Leave — Employees

(5) The aggregate amount of leave that may be taken by employees under this section during the period referred to in subsection (4) **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

(6) No leave may be taken by one or more employees under subsection (2.1) before the end of the period referred to in subsection (4) if leave was granted under subsection (2) in respect of the same person.

Limitation — Section 206.3

(7) No leave may be taken by one or more employees under section 206.3 before the end of the leave taken under subsection (2) or (2.1) in respect of the same person. **Section 206.4 (1) to (7).**

Further details on the Canada Labour Code can be found at *Justice.Gc.Ca*.

ALBERTA

In Alberta, **employers** are **required** to provide Critical Illness of Child Leave and Long-term Illness and Injury Leave under the **Employment Standards Code, Sections 53.96 to 53.974**. Employees who have been with the same **employer** for at least 90 days are entitled to up to 36 weeks of unpaid leave to care for a critically ill child, provided a medical certificate confirms the necessity of care. Additionally, employees experiencing long-term illness, injury, or quarantine are entitled to 16 weeks of unpaid leave per calendar year with medical documentation. **Employers must** ensure job security during the leave, reinstate employees in their previous or equivalent roles upon return, and cannot terminate employment due to the leave.

Part 2 – Standards – Division 7.4

Critical Illness 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) **"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 and is a parent of a critically ill child is entitled to an unpaid critical illness of child leave of up to 36 weeks for the purpose of providing care or support to the child.

(3) If more than one employee who is employed by the same **employer** is entitled to critical illness of child leave with respect to the same child, the **employer** is not **required** to grant the leave to more than one employee at a time.

(4) If more than one child of the employee is critically ill as a result of the same event, the period during which the employee may take critical illness of child leave:

(a) begins on the earlier of the dates specified in subsection (5)(b) and (d) on the first medical certificate issued in respect of any of the children that are critically ill, and

(b) ends on the earliest of the following occurrences:

(i) the last day of the work week in which the last of the critically ill children dies;

(ii) the expiry of 36 weeks following the date leave began under clause (a);

(iii) the expiry of the latest period referred to in subsection (5)(c) on the medical certificates for the critically ill children;

(iv) the last day of the work week in which the employee ceases to provide care or support to the last of the critically ill children.

(5) The employee **must** provide to the **employer** a medical certificate stating:

(a) that the child is a critically ill child and requires the care or support of one or more parents;

(b) the start date of the period during which the child requires that care or support;

(c) the end date of the period during which the child requires that care or support;

(d) if the leave was begun before the certificate was issued, the day leave began.

(6) The employee **must** provide a copy of the medical certificate under subsection (5) before commencing critical illness of child leave unless the employee is unable to do so, in which case the employee **must** provide the certificate as soon as is reasonable and practicable in the circumstances.

(7) An employee who wishes to take critical illness of child leave **must** give the **employer** at least 2 weeks' written notice, which notice **must** also include the estimated date of the employee's return to work, unless a shorter notice period is necessary in the circumstances, in which case the notice **must** be provided as soon as is reasonable and practicable in the circumstances.

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

(9) Subject to subsection (4), critical illness of child leave may be taken in one or more periods, but no period may be less than one week's duration.

(10) Critical illness of child leave ends on the earliest of the following occurrences:

(a) the last day of the work week in which the child named in the medical certificate under subsection (5) dies;

(b) the period of 36 weeks of leave under this Division ends;

(c) the period referred to subsection (5)(c) of the certificate ends;

(d) the last day of the work week in which the employee ceases to provide care or support to the critically ill child. **Section 53.96 (1) to (2).**

Termination of Employment

(1) No **employer** may terminate the employment of, or lay off, an employee who has started critical illness 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 53.963 continues to apply. **Section 53.961 (1) (2).**

Notice to Return to Work

(1) If an employee has been on critical illness 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 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 leave started.

(3) An employee who does not wish to resume employment after the critical illness of child leave ends **must** give the **employer** at least 2 weeks' written notice of the employee's intention to terminate employment. **Section 53.962 (1) to (3).**

Suspension of Operations

If the business, undertaking or other activity of an **employer** is suspended or discontinued in whole or in part during an employee's critical illness of child leave and the **employer** has not resumed operations when the leave ends, the **employer must**, if the operation is subsequently resumed within 52 weeks following the end of the leave,

(a) reinstate the employee in the position occupied at the time the leave started at not less than the earnings and other benefits that had accrued to the employee, or

(b) provide the employee with alternative work in accordance with an established seniority system or practice of the **employer** in force at the time the employee's leave started, with no loss of seniority or other benefits accrued to the employee. **Section 53.963.**

Leave and Vacation Conflict

Notwithstanding section 37(1), if an employee is on critical illness of child leave on the day by which his or her vacation **must** be used, any unused part of the vacation **must** be used immediately after the leave expires or, if the **employer** and employee agree to a later date, by that later date. **Section 53.964.**

For more information:

Division 7.5

Long-term Illness and Injury Leave

- Entitlement to leave. **Section 53.97.**
- Termination of employment. **Section 53.971.**
- Notice to return to work. **Section 53.972.**

Further details on the Employment Standards Code can be found at *Alberta.Ca*.

BRITISH COLUMBIA

In British Columbia, **employers must** provide Critical Illness or Injury Leave under **Employment Standards Act, Section 52.11**. Employees are entitled to unpaid leave to care for a critically ill or injured family member, with the duration depending on the family member's age. **Employers must** ensure job protection and reinstate employees to their previous or an equivalent position upon return.

Part 6 – Leaves and Jury Duty

Critical Illness or Injury Leave

(1) In this section, **"family member"** means:

(a) a member of an employee's immediate family, and

(b) any other individual who is a member of a prescribed class.

(2) An employee who requests leave under this section is entitled to the following unpaid leave to provide care or support to a family member if a medical practitioner or nurse practitioner issues a certificate in accordance with subsection (4):

(a) up to 36 weeks of unpaid leave to provide care or support to a family member who is under 19 years of age at the start of the leave;

(b) up to 16 weeks of unpaid leave to provide care or support to a family member who is 19 years of age or older.

(3) If a certificate issued in accordance with subsection (4), with respect to a leave under this section, sets out a period for which a family member of an employee requires care or support that is less than the maximum number of weeks specified in subsection (2) (a) or (b), as applicable, the employee:

(a) is entitled to take the leave only up to the number of weeks indicated in the certificate, and

(b) may, respecting the leave, obtain one or more additional certificates in accordance with subsection (4), but the employee's entitlement to the leave does not exceed the maximum number of weeks specified in subsection (2) (a) or (b), as applicable.

(4) A certificate referred to in subsection (2) **must:**

(a) state that the baseline state of health of the family member has significantly changed and the life of the family member is at risk as a result of an illness or injury,

(b) state that the care or support **required** by the family member can be met by one or more persons who are not medical professionals, and

(c) set out the period for which the family member requires care or support.

(5) The employee **must** give the **employer** a copy of the certificate referred to in subsection (2) as soon as practicable.

(6) An employee may begin a leave under this section respecting a family member no earlier than the earlier of the following:

(a) the first day of the week in which the certificate referred to in subsection (2) respecting the family member is issued;

(b) the first day of the week in which the baseline state of health of the family member significantly changes and the life of the family member is at risk as a result of an illness or injury.

(7) A leave under this section ends on the last day of the week in which the earlier of the following occurs:

(a) the family member in respect of whom the leave is taken dies;

(b) the expiration of 52 weeks from the date the leave began.

(8) A leave taken under this section **must** be taken in units of one or more weeks.

(9) If an employee takes a leave under this section and, at the time referred to in subsection (7) (b), the life of the family member remains at risk as a result of the illness or injury, the employee may take a further leave after obtaining a new certificate in accordance with subsection (4), and subsections (5) to (8) apply to the further leave. **Section 52.11 (1) to (9).**

Further details on the Employment Standards Act can be found at *Gov.Bc.Ca*.

MANITOBA

In Manitoba, **employers must** provide Critical Illness Leave and Long-Term Leave for Serious Injury or Illness under The **Employment Standards Code, Sections 59.8 and 59.10**. Employees are entitled to unpaid leave to care for a critically ill child (up to 37 weeks) or a critically ill adult (up to 17 weeks), and for their own serious illness or injury (up to 27 weeks). **Employers must** ensure job protection and may require a physician's certificate for verification.

Part 2 – Minimum Standards

Leave Related to Critical Illness

Definitions

(1) The following definitions apply in this section.

"critically ill adult" has the same meaning as in the regulations made under the *Employment Insurance Act* (Canada).

"critically ill child" has the same meaning as in the regulations made under the *Employment Insurance Act* (Canada).

"family member" has the same meaning as in section 59.2.

"physician" means a physician who provides care to a child or adult and who is entitled to practice medicine under the laws of the jurisdiction in which the care is provided.

Entitlement to Leave re: 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 37 weeks to provide

care or support to a critically ill child who is a family member of the employee.

Entitlement to Leave re: Adult

(3) An employee who has been employed by the same **employer** for at least 90 days is entitled to an unpaid leave of absence from employment of up to 17 weeks to provide care or support to a critically ill adult who is a family member of the employee.

Physician's Certificate

(4) For an employee to be eligible for leave, a physician **must** issue a certificate:

(a) stating that the child or adult is a critically ill child or a critically ill adult and requires the care or support of the employee; and

(b) setting out the period during which the child or adult requires that care or support.

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.

Employee to Provide Physician's Certificate

(6) The employee **must** give the **employer** a copy of the physician's certificate 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 37 weeks in the case of a critically ill child, and 17 weeks in the case of a critically ill adult, by giving the **employer** written notice at least one pay period before the employee wishes to end the leave.

Leave Taken in one or more Periods

(8) A leave may be taken in one or more periods, but no period may be less than one week's duration.

When Leave Must End

(9) A leave **must** end no later than 52 weeks after the day the first period of leave began.

Additional Leaves

(10) If a child or adult in respect of whom an employee has taken a leave under this section remains critically ill after the 52-week period described in subsection (9) expires, the employee is entitled to take another leave and the requirements of this section apply to the new leave. **Section 59.8 (1) to (10).**

For more information:

- Long-Term Leave for Serious Injury or Illness. **Section 59.10 (1) to (8).**

Further details on The Employment Standards Code can be found at *Canlii.Org*.

NEW BRUNSWICK

In New Brunswick, **employers must** provide Critically Ill Child Leave and Critically Ill Adult Leave under the **Employment Standards Act, Sections 44.025 and 44.0251**. Employees who are parents or family members of a critically ill child are entitled to up to 37 weeks of unpaid leave, while those caring for a critically ill adult can take up to 16 weeks. **Employers must** reinstate employees to their previous or equivalent positions without loss of pay or benefits.

Critically Ill Child Leave

(1) The following definitions apply in this section.

"critically ill child" means a person who is under 18 years of age on the day on which the qualified medical practitioner certifies that the person's baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.

"family member" means a family member as defined in the *Employment Insurance Regulations* under the *Employment Insurance Act* (Canada).

"parent" Repealed: 2018, c.14, s.4.

"qualified medical practitioner" means a person who is entitled to practice medicine under the laws of a jurisdiction in which care or treatment of a critically ill child is provided.

"week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

(2) Subject to subsections (3) to (7), on the request of an employee who is the parent or other family member of a critically ill child, an **employer shall** grant the employee a leave of absence without pay of up to 37 weeks to provide care or support to that child if a qualified medical practitioner has issued a certificate that:

(a) states that the child is a critically ill child and requires the care or support of one or more of their parents or other family members, and

(b) sets out the period during which the child requires that care or support.

(3) The leave of absence may only be taken during the period:

(a) that starts with the first day of the week in which either of the following occurs:

(i) the day on which the first certificate in respect of the child that meets the requirements of subsection (2) is issued; or

(ii) if the leave is commenced before the certificate is issued, the date from which the qualified medical practitioner certifies that the child is a critically ill child; and

(b) that ends with the last day of the week in which either of the following first occurs:

(i) the child dies; or

(ii) the expiration of 37 weeks following the first day of the week referred to in

paragraph (a).

(4) If both parents or other family members of a critically ill child are employees of the same **employer**, the aggregate amount of leave that may be taken under subsection (2) for the care or support of the same critically ill child **shall** not exceed 37 weeks and may:

(a) be taken wholly by one of the employees, or

(b) be shared by the employees.

(5) An employee intending to take a leave of absence under subsection (2) **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, the anticipated duration of the leave and **shall** provide the **employer** with the certificate referred to in subsection (2).

(6) 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.

(7) 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.

(8) When an employee reports for work on the expiration of the period of leave granted under subsection (2), 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 44.025 (1) to (8).**

For more information:

- Critically Ill Adult Leave. **Section 44.0251 (1) to (8).**

Further details on the Employment Standards Act can be found at *Canlii.org*.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers must** comply with Sick and Family Responsibility Leave under **Section 43.11** and Leave Related to Critical Illness under **Sections 43.28–43.32** of the **Labour Standards Act**. Employees are entitled to seven days of unpaid sick or family responsibility leave per year, and those caring for a critically ill family member can take up to 37 weeks for a child and 17 weeks for an adult. **Employers must** reinstate employees without loss of pay or benefits.

Part VII.6 – Leave Related to Critical Illness

Definitions

In this Part:

(a) **"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;

(b) **"critically ill adult"** has the same meaning as in the regulations made under

the *Employment Insurance Act* (Canada);

(c) **“critically ill child”** has the same meaning as in the regulations made under the *Employment Insurance Act* (Canada);

(d) **“family member”** means:

(i) a spouse or cohabiting partner of the employee,

(ii) a child of the employee or of the employee ‘s spouse or cohabiting partner,

(iii) a parent of the employee or a spouse or cohabiting partner of the parent, and

(iv) any other person who is a member of a class of persons prescribed for the purpose of this definition in the regulations; and

(e) **“week”** means the period between midnight on Saturday and midnight on the immediately following Saturday. **Section 43.28 (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 37 weeks to provide care or support to a critically ill child who is a family member where a medical practitioner or nurse practitioner issues a certificate:

(a) stating that the child is a critically ill child and requires the care or support of the employee; and

(b) setting out the period during which the child requires that care or support.

(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 17 weeks to provide care or support to a critically ill adult who is a family member where a medical practitioner or nurse practitioner issues a certificate:

(a) stating that the adult is a critically ill adult and requires the care or support of the employee; and

(b) setting out the period during which the adult requires that care or support.

(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** give the **employer** a copy of the medical practitioner or nurse practitioner’s certificate referred to in subsection (1) or (2) as soon as possible. **Section 43.29 (1) to (4).**

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 43.30 (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 critically ill child care leave or critically ill adult care 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 43.31 (1) to (4).**

For more information:

Part VII .1 – Bereavement and Sick Leave

- Sick and family responsibility leave. **Section 43.11 (1) to (4).**
- **Section 43.32.**

Further details on the Labour Standards Act can be found at *Assembly.Nl.Ca*.

NOVA SCOTIA

In Nova Scotia, **employers must** provide Serious Illness Leave under **Sections 60FA–60FC** and Sick and Family Responsibility Leave under **Section 60G** of the **Labour Standards Code**. Employees diagnosed with a serious illness are entitled to up to 27 weeks of unpaid leave, while those needing time off for sickness, injury, or family medical appointments can take up to five days of unpaid sick leave and three days for family responsibilities. **Employers** may request supporting documentation and **must** reinstate employees after their leave.

Serious Illness Leave

Interpretation of Sections 60FA to 60FC

In Sections 60FA to 60FC,

(a) **"serious illness"** includes a serious injury;

(b) **"week"** means a week as defined in Section 60E. **Section 60F**.

Unpaid Leave of Absence for Serious Illness

(1) An employee is entitled to an unpaid leave of absence of up to twenty-seven weeks if the employee has been:

(a) employed by an **employer** for at least three months; and

(b) diagnosed with a serious illness.

(2) An employee's entitlement under subsection (1) begins on:

(a) the day the employee was diagnosed with the serious illness; or

(b) where the employee has been absent from work due to the serious illness before its diagnosis, on the day the employee was first absent from work due to the serious illness.

(3) A leave of absence under this Section **must** be taken in periods of not less than one week, which may be taken consecutively or non-consecutively.

(4) An **employer** may require an employee who takes a leave of absence under this Section to provide, in a form approved by the Director,

(a) such information in support of the employee's entitlement to the leave as may be prescribed by the regulations; or

(b) in the absence of applicable regulations, such information in support of the employee's entitlement to the leave as is reasonable in the circumstances.

(5) An employee **shall** advise an **employer** as soon as possible of any intention to take a leave of absence under this Section. **Section 60FA (1) to (4).**

Restrictions on Leave

(1) An employee **shall** not take more than twenty-seven weeks of leave under Section 60FA within any period of fifty-two weeks, whether or not such leave is in respect of the same serious illness.

(2) Where an employee has taken twenty-seven weeks of leave under Section 60FA within any period of fifty-two weeks, whether or not such leave was in respect of the same serious illness, and that leave has been taken in four or more non-consecutive periods, the employee **shall** not take additional leave under Section 60FA unless:

(a) the additional leave begins at least six months after the last day of the previous leave; or

(b) the **employer** has agreed that the additional leave may begin on an earlier date. **Section 60FB (1) (2).**

Return to Work during Week in which Leave Taken

(1) Notwithstanding subsection (3) of Section 60FA, where an employee wishes to return to work during a week in which leave has been taken under Section 60FA, the employee may return to work during that week if the **employer** has agreed to the date of return to work.

(2) Where an employee has, under subsection (1), returned to work during a week in which leave has been taken under Section 60FA, the employee is, for the purpose of calculating the number of weeks of leave taken, deemed to have taken leave for the entire week in which the employee returned to work. **Section 60FC (1) (2).**

SICK LEAVE AND FAMILY RESPONSIBILITY LEAVE

Unpaid Sick Leave and Family Responsibility Leave

(1) An employee is entitled to up to five days of unpaid leave per year if the leave is **required** due to the employee's sickness or injury.

(2) An employee is entitled to up to three days of unpaid leave per year if the leave is **required:**

(a) due to the sickness or injury of a child, parent or family member; or

(b) for medical, dental or other similar appointments during work hours.

(3) An employee **shall** advise an **employer** as soon as possible of any intention to take a leave under subsection (1) or (2). **Section 60G (1) to (3).**

Further details on the Labour Standards Code can be found at *Nslegislature.Ca*.

NORTHWEST TERRITORIES

In the Northwest Territories, **employers must** provide Sick Leave under **Section 29** of the **Employment Standards Act**, granting employees at least five days of unpaid leave per year for illness or injury. Employees **must** have 30 days of employment to qualify and **must** inform their **employer** as soon as possible about the leave's duration. If the leave exceeds three consecutive days, **employers** may request a medical certificate.

Entitlement to Sick Leave

(1) Subject to subsections (2) and (3), an employee is entitled to sick leave, without pay, for a period of at least five days during each 12-month period.

Application for Leave

(2) To be eligible for sick leave, the employee **must:**

(a) be incapable of working because of an illness or injury;

(b) have been employed by the **employer** for at least 30 days; and

(c) submit to the **employer**, at the earliest reasonable opportunity, a request for the sick leave advising the **employer** of the duration or expected duration of the leave.

Medical Certificate

(3) If the duration or expected duration of the sick leave exceeds three consecutive days and if requested by the **employer**, the employee **must** provide the **employer** with a medical certificate stating that the employee is incapable of working because of an illness or injury.

(4) The duties of an **employer** under this section are in addition to and do not derogate from the duties of an **employer** to provide immediate medical aid under the Workers' Compensation Act. **Section 29 (1) to (4).**

Further details on the Employment Standards Act can be found at *Gov.Nt.Ca*.

NUNAVUT

In Nunavut, **employers must** provide Sick Leave under **Section 29** of the **Employment Standards Act**, granting employees at least five days of unpaid leave per year for illness or injury. Employees **must** have 30 days of employment to qualify and **must** inform their **employer** as soon as possible about the leave's duration. If the leave exceeds three consecutive days, **employers** may request a medical certificate.

Entitlement to Sick Leave

(1) Subject to subsections (2) and (3), an employee is entitled to sick leave, without pay, for a period of at least five days during each 12-month period.

Application for Leave

(2) To be eligible for sick leave, the employee **must:**

(a) be incapable of working because of an illness or injury;

(b) have been employed by the **employer** for at least 30 days; and

(c) submit to the **employer**, at the earliest reasonable opportunity, a request for the sick leave advising the **employer** of the duration or expected duration of the leave.

Medical Certificate

(3) If the duration or expected duration of the sick leave exceeds three consecutive days and if requested by the **employer**, the employee **must** provide the **employer** with a medical certificate stating that the employee is incapable of working because of an illness or injury.

(4) The duties of an **employer** under this section are in addition to and do not derogate from the duties of an **employer** to provide immediate medical aid under the Workers' Compensation Act. **Section 29 (1) to (4).**

Further details on the Employment Standards Act can be found at *Gov.Nt.Ca*.

ONTARIO

In Ontario, **employers must** provide Critical Illness Leave and Sick Leave under the **Employment Standards Act, Sections 49.4 and 50**. Employees may take unpaid leave to care for a critically ill family member if certified by a health practitioner and **must** notify their **employer** in writing. Sick Leave allows employees to take unpaid time off for personal illness, injury, or medical emergencies, with **employers** permitted to request reasonable evidence.

Part XIV – Leaves of Absence

Critical Illness Leave

Definitions

(1) In this section,

"adult" means an individual who is 18 years or older;

“critically ill”, with respect to a minor child or adult, means a minor child or adult whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;

“family member”, with respect to an employee, means the following:

1. The employee’s spouse.
2. A parent, step-parent, or foster parent of the employee or the employee’s spouse.
3. A child, step-child, or foster child of the employee or the employee’s spouse.
4. A child who is under legal guardianship of the employee or the employee’s spouse.
5. A brother, step-brother, sister, or step-sister of the employee.
6. A grandparent, step-grandparent, grandchild, or step-grandchild of the employee or the employee’s spouse.
7. A brother-in-law, step-brother-in-law, sister-in-law, or step-sister-in-law of the employee.
8. A son-in-law or daughter-in-law of the employee or the employee’s spouse.
9. An uncle or aunt of the employee or the employee’s spouse.
10. A nephew or niece of the employee or the employee’s spouse.
11. The spouse of the employee’s grandchild, uncle, aunt, nephew or niece.
12. A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.
13. Any individual prescribed as a family member for the purpose of this definition;

“minor child” means an individual who is under 18 years of age;

“qualified health practitioner” means,

(a) a person who is qualified to practice as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the individual described in subsection (2) or (5), or

(b) in the prescribed circumstances, a member of a prescribed class of health practitioners;

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

Entitlement to Leave — Critically Ill Minor Child

(2) An employee who has been employed by his or her **employer** for at least six consecutive months is entitled to a leave of absence without pay to provide care or support to a critically ill minor child who is a family member of the employee if a qualified health practitioner issues a certificate that,

(a) states that the minor child is a critically ill minor child who requires the care or support of one or more family members; and

(b) sets out the period during which the minor child requires the care or support.

(3) Subject to subsection (4), an employee is entitled to take up to 37 weeks of leave under this section to provide care or support to a critically ill minor child.

Same — Period less than 37 Weeks

(4) If the certificate described in subsection (2) sets out a period of less than 37 weeks, the employee is entitled to take a leave only for the number of weeks in the

period specified in the certificate.

Entitlement to Leave – Critically Ill Adult

(5) An employee who has been employed by his or her **employer** for at least six consecutive months is entitled to a leave of absence without pay to provide care or support to a critically ill adult who is a family member of the employee if a qualified health practitioner issues a certificate that,

(a) states that the adult is a critically ill adult who requires the care or support of one or more family members; and

(b) sets out the period during which the adult requires the care or support.

(6) Subject to subsection (7), an employee is entitled to take up to 17 weeks of leave under this section to provide care or support to a critically ill adult.

Same – Period less than 17 Weeks

(7) If the certificate described in subsection (5) sets out a period of less than 17 weeks, the employee is entitled to take a leave only for the number of weeks in the period specified in the certificate.

When Leave Must End

(8) Subject to subsection (9), a leave under this section ends no later than the last day of the period specified in the certificate described in subsection (2) or (5).

Limitation Period

(9) If the period specified in the certificate described in subsection (2) or (5) is 52 weeks or longer, the leave ends no later than the last day of the 52-week period that begins on the earlier of,

(a) the first day of the week in which the certificate is issued; and

(b) the first day of the week in which the minor child or adult in respect of whom the certificate was issued became critically ill. **Section 49.4 (1) to (9).**

For more information:

- Critically ill minor child, critically ill adult, Further and Additional leaves including transitional issues. **Sections 49.4 (10) to 50 (1) to (9).**

Further details on the Employment Standards Act can be found at *Ontario.Ca*.

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers must** provide Sick Leave under the **Employment Standards Act**, **Section 22.2**. Employees with at least three months of continuous employment are entitled to up to three unpaid sick days per year, while those with 12 months or more may earn up to three paid sick days, accrued annually. **Employers** may request medical documentation for absences of three or more consecutive days. Sick leave does not carry over year to year, and employees **must** use paid sick days before unpaid ones.

Sick Leave

(1) Where an employee has been employed by an **employer** for a continuous period of at least three months, the **employer shall**, at the request of the employee, grant the employee leaves of absence without pay of up to three days, in total, during a twelve calendar-month period for sick leave.

Details of Leave to Employer

(3) An employee requesting leave under subsection (1) or subsection (4) **shall** advise the **employer**, subject to subsections (1), (4) and (9), of the anticipated duration of the leave.

Paid Sick Leave

(4) Where an employee has been employed by the same **employer** for a continuous period of at least 12 months, the **employer shall**, at the request of the employee, grant the employee leaves of absence with pay of up to the number of days provided for in subsection (6), in total during a twelve calendar-month period, in addition to any unpaid leave that the employee is entitled to under subsection (1).

Rate of Pay

(5) Where an employee is entitled to a day of paid sick leave pursuant to subsection (4), the **employer shall** pay the employee:

(a) in the case of an employee who is paid hourly, the employee’s regular rate of wages multiplied by the number of hours for which the employee would have worked if the employee had not requested the leave of absence; or

(b) in the case of a salaried employee, the employee’s rate of pay for a day of work.

Accrual of Days of Paid Sick Leave

(6) An employee earns, as of the first day on which this subsection applies to the employee,

(a) after twelve months of continuous employment with the same **employer**, one day of paid sick leave;

(b) after 24 months of continuous employment with the same **employer**, one additional day of paid sick leave; and

(c) after 36 months of continuous employment with the same **employer**, one additional day of paid sick leave.

Maximum Days

(7) An employee is entitled to earn up to three days of paid sick leave in a calendar year.

No Annual Carry Forward

(8) Each day of paid sick leave that an employee does not take in a calendar year is not to be carried forward to the following calendar year.

Medical Certificate, Paid Sick Leave

(9) Where an employee requests a leave of absence under this section that is three consecutive calendar days in length, the **employer** may require the employee to provide the **employer** with a certificate signed by a medical practitioner certifying that the

employee is or was unable to work due to illness or injury.

Paid Days First

(10) An employee is entitled to take any paid days of leave available to the employee before any of the unpaid days of leave that the employee is entitled to under subsection (1). **Section 22.2 (1) to (10).**

Further details on the Employment Standards Act can be found at *Princeedwardisland.ca*.

QUÉBEC

In Quebec, **employers must** provide Sick Leave and other protected absences under the **Act Respecting Labour Standards, Sections 79.1 to 79.6**. Employees can take up to 26 weeks of unpaid leave in a 12-month period due to sickness, organ donation, an accident, domestic violence, or sexual violence. If an employee suffers a serious injury due to a criminal offence, they may take up to 104 weeks. **Employers must** be notified as soon as possible, and employees may need to provide supporting documents. **Employers must** reinstate employees in their previous position or an equivalent role upon return.

Division V.0.1

Absences Owing to Sickness, An Organ or Tissue Donation, An Accident, Domestic Violence, Sexual Violence or a Criminal Offence

An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months, owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

However, an employee may be absent from work for a period of not more than 104 weeks if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold their regular position. In that case, the period of absence **shall** not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and **shall** not end later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). **Section 79.1.**

The second paragraph of section 79.1 applies if it may be inferred from the circumstances of the event that the employee’s serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault. **Section 79.1.1.**

The second paragraph of section 79.1 applies if the employee suffered the injury:

(1) while lawfully arresting or attempting to arrest an offender or suspected

offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence. **Section 79.1.2.**

An employee **must** advise the **employer** as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the **employer** may request that the employee furnish a document attesting to those reasons.

During a period of absence under the second paragraph of section 79.1, the employee may return to work intermittently or on a part-time basis if the **employer** consents to it. **Section 79.2.**

An employee's participation in the group insurance and pension plans recognized in the employee's place of employment **shall** not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the **employer**.

The Government **shall** determine, by regulation, the other advantages available to an employee during a period of absence. **Section 79.3.**

At the end of the period of absence, the **employer shall** reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the **employer shall** recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph **shall** prevent an **employer** from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause. **Section 79.4.**

If the **employer** makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off. **Section 79.5.**

This division **shall** not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work. **Section 79.6.**

Further details on the Act Respecting Labour Standards can be found at *Gouv.Qc.Ca*

SASKATCHEWAN

In Saskatchewan, **employers must** provide Critically Ill Family Care Leave under the **Saskatchewan Employment Act**, **Section 2-57**. Employees are entitled to up to 37 weeks of unpaid leave to care for a critically ill child or up to 17 weeks for a critically ill adult family member. The leave ends when the employee is no longer providing care, the medical certification expires, the leave period ends, or the family member passes away. **Employers must** accommodate eligible employees and ensure their rights are protected.

Part II – Employment Standards

Critically Ill Family Care Leave

(1) In this section and in section 2-59.1:

(a) **“critically ill adult”** means a critically ill adult within the meaning of the regulations made pursuant to the Employment Insurance Act (Canada);

(b) **“critically ill child”** means a critically ill child within the meaning of the regulations made pursuant to the Employment Insurance Act (Canada);

(c) **“family member”** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the Employment Insurance Act (Canada).

(2) An employee is entitled to:

(a) critically ill childcare leave of up to 37 weeks to provide care and support to the employee’s critically ill child family member; and

(b) critically ill adult care leave of up to 17 weeks to provide care and support to the employee’s critically ill adult family member.

(3) An employee’s leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the child family member or adult family member;

(b) 52 weeks from the date the medical certificate is issued;

(c) on the termination of the 37-week period or 17-week period, as the case may be, mentioned in subsection (2); or

(d) on the death of the employee’s child family member or adult family member.
Section 2-57 (1) to (3).

Further details on the Saskatchewan Employment Act can be found at *Saskatchewan.Ca*.

YUKON TERRITORY

In Yukon, **employers must** provide Sick Leave and Critical Illness Leave under the **Employment Standards Act, Sections 59, 60.02, and 60.02.01**. Employees are entitled to unpaid sick leave of up to 12 days per year based on their months of service, with **employers** having the right to request medical certification. Additionally, employees who have completed six months of continuous employment can take up to 37 weeks of unpaid leave to care for a critically ill child and up to 17 weeks for a critically ill adult family member, provided they submit a medical certificate. **Employers must** accommodate eligible employees and ensure their job protection during these leave periods.

Sick Leave

(1) No **employer shall** dismiss or lay off an employee solely because of the employee’s absence due to illness or injury if the period of absence does not exceed the employee’s entitlement under subsection (2).

(2) An employee’s entitlement under subsection (1) with respect to an **employer** is one day without pay for every month the employee has been employed by that **employer** less the number of days on which the employee has previously been absent due to illness or

injury, but an employee's maximum net entitlement at any time under this subsection **shall** not exceed 12 days.

(3) An **employer** may request that an employee claiming to be entitled to the benefit of this Part produce the certificate of a qualified medical practitioner or a qualified nurse practitioner as a condition of the employee's entitlement. **Section 59 (1) to (3).**

Leave Related to Critical Illness of a Child

(1) In this section:

"critically ill child" has the same meaning as assigned in the regulations made under the Employment Insurance Act (Canada);

"week" has the same meaning as assigned in section 60.01.

(2) An employee who has completed six months of continuous employment with an **employer** and who is a family member of a critically ill child is entitled to a leave of absence from employment without pay for a period of up to 37 weeks in order to care for or support that child if a qualified medical practitioner or qualified nurse practitioner has issued a certificate that:

(a) states the child is a critically ill child and requires the care or support of one or more of their family members; and

(b) sets out the period during which the child requires that care or support.

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

(a) starts on the first day of the week in which the certificate is issued; and

(b) ends on the last day of the week in which either of the following occurs:

(i) the child dies,

(ii) the expiry of 52 weeks following the first day of the week referred to in paragraph (a).

(4) If the employee is a family member of, and is caring for or supporting more than one critically ill child at the same time, the period during which the employee may take a leave of absence:

(a) starts on the first day of the week in which the first certificate is issued in respect of any of the children; and

(b) ends on the last day of the week in which either of the following occurs:

(i) the last of the children dies, or

(ii) the expiry of 52 weeks following the first day of the week referred to in paragraph (a).

(5) The aggregate amount of leave that may be taken by two or more employees under this section in respect of the same child or the same children who are critically ill as a result of the same event **must** not exceed 37 weeks during the period referred to in subsections (3) or (4), as the case may be.

(6) A leave of absence under this section may only be taken in periods of not less

than one week’s duration.

(7) An employee who wishes to take a leave of absence under this section **must** give the **employer** notice in writing at least two weeks before the leave starts unless the circumstances necessitate a shorter period.

(8) The employee **must** give the **employer** a copy of the certificate referred to in subsection (2) as soon as possible. **Section 60.02(1) to (8).**

For more information:

- Leave related to critical illness of adult. **Section 60.02.01.**

Further details on the Employment Standards Act can be found at *Yukon.Ca*.