

Bereavement Leave

Bereavement leave allows employees unpaid time off to deal with the death of a family member, without fear of job loss.

How long can employees be off on bereavement leave?

Employees are allowed up to three days as bereavement leave for the death of a family member.

Who can take Bereavement Leave?

Anyone employed for at least 30 days with the same employer is entitled to this leave, to deal with the loss of a family member.

Who decides what type of leave an employee is taking?

Employees must tell their employer what type of leave they are taking. The employer will need enough detail to show the time-off meets the requirements for a statutory leave.

If an employee requests time-off without specifying a statutory leave, the employer should ask whether they are advising of a leave under The Employment Standards Code or requesting permission for unpaid time-off. Employers do not control when an employee can take an unpaid leave under The Employment Standards Code, but they do control other types of time-off.

Do employees need to be paid while on bereavement leave?

No, the legislation only requires an employer to provide time off and allow an employee to return to their job when the leave has ended. Employers are not required to pay wages during the leave. Employers can, and often do, give greater benefits than those provided for in the legislation.

Who are considered family members?

Family is defined very broadly for Employment Standards purposes. Children, stepchildren, parents, grandparents, spouses, common law spouses, brothers, sisters, step-brothers, step-sisters, aunts, uncles, nieces and nephews are all considered family members. The definition also includes those who are not related, but are considered a family member.

What must employees who take bereavement leave tell their employer?

Employees must tell their employer, as soon as possible, which days they will need off. Employers can request reasonable verification that the leave is needed.

What is reasonable verification?

An employer's request for reasonable verification will be different in every situation. For example, an obituary from a local newspaper could reasonably verify the need for this leave.

Can employees take part of a day as bereavement leave?

When an employee takes a leave the employer may consider the employee off for the entire day. Employers and employees can make arrangements for part days of leave, but there is no obligation for the employer to accommodate part days.

Can employees be fired or laid off because they take bereavement leave?

No. Employers cannot terminate or lay off employees solely because they took a leave.

What happens when the leave ends?

Employees must be allowed to return to their job. Employers must not discriminate or attempt to punish employees for taking a leave.

Can employers give paid leave or more time off?

Yes. Employers can, and often will, give greater benefits than those provided for in the legislation. Many employers provide more days or will pay employees for their leave. This is allowed under the legislation.

For more information contact Employment Standards:

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This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Employment Standards Code* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

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