

Family Leave

Family leave allows employees unpaid time off, to deal with family responsibilities or personal illness, without fear of job loss.

What is the difference between compassionate care leave and family leave?

Compassionate care leave provides employees the opportunity to assist a family member who is critically ill and requires care and support for several weeks.

Family leave is a short leave to take care of the needs of the employees family or a personal illness.

How long is family leave?

Employees who have worked with the same employer for at least 30 days qualify for this leave. The legislation provides three unpaid days per year as family leave. Many employers give greater benefits than those provided for in the legislation, such as more days off or paid leave. Family leave is to deal with family responsibilities or personal illness.

Who can take family leave?

All employees employed for at least 30 days with the same employer are entitled to this leave.

Are employees paid while on family leave?

No, the legislation only requires employers to provide time off and allow employees 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.

When can employees take family leave?

Employees can take family leave to deal with personal illness or the needs of their family. In some situations, this can be arranged in advance, but in others, that is not possible.

Employees must provide their employer with as much notice as reasonable and practical. They must also provide reasonable verification that the leave is necessary, if requested by the employer.

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.

What is considered reasonable verification?

Employees are entitled to the leave to deal with family responsibilities or personal illness. What may be required as verification will be different from case to case. For example, a doctor's note may be needed in some cases, but not in others. The intent is to reasonably confirm that the employee is dealing with their needs or the needs of their family during the leave.

Can employees who do not take any family leave this year, use six days next year?

No. Each year employees are eligible for three days of leave but it does not carry over to future years.

Can employees take part of a day as family 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 terminated or laid off because they take family 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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