

| STATEMENT of POLICY and PROCEDURE | | | |
|-----------------------------------|----------------------------------|------------|-------------------|
| Chapter: | Human Resources | SPP No. | HR 4.24.ON |
| Section: | Benefits | Issued: | Dec. 16, 2019 |
| Subject: | CRITICALLY ILL CARE LEAVE | Effective: | Jan. 1, 2020 |
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| Issued by: | Community Resource Centre | Issued: | |

1 POLICY

- 1.01 (a) Subject to the presentation of an appropriate medical certificate from a qualified health practitioner, and subject to paragraph 7.01(g), an employee with at least six (6) months of continuous employment with **Community Resource Centre** is entitled to leave without pay, up to a maximum period of thirty-seven (37) weeks for the purpose of providing care or support to a critically ill minor child family member.
- (b) Subject to the presentation of an appropriate medical certificate of a qualified health practitioner, and subject to paragraph 7.01(g), an employee with at least six (6) months of continuous employment with **Community Resource Centre** is entitled to leave without pay, up to a maximum period of seventeen (17) weeks for the purpose of providing care or support to a critically ill adult family member.

2 PURPOSE

- 2.01 The purpose of this Statement of Policy and Procedure is to establish effective procedures to be used by an employee who may be required to provide care or support to a minor child or adult family member who is critically ill.

3 SCOPE

- 3.01 This Statement of Policy and Procedure applies to all employees.

4 RESPONSIBILITY

- 4.01 Where possible, employees are responsible for providing **<two (2) weeks>** of written notice when requesting critical illness leave. If the circumstances are such that the employee is not able to provide **<two (2) weeks>** of written notice, employees must advise **Community Resource Centre** as soon as possible, in writing, of their intention to take the leave.
- 4.02 Employees must provide the following as soon as possible:
- (a) an appropriate medical certificate from a qualified health practitioner; and
 - (b) a written plan that indicates the weeks in which the employee will take the leave.

5 DEFINITIONS

- 5.01 **“Care or support”** means providing care, psychological or emotional support, other than care provided by a health professional, that is required because of a critically ill person’s state of health.
- 5.02 **“Critical illness”** means, with respect to a family member, a baseline state of health that has significantly changed and whose life is at risk as a result of an illness or injury.

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- 5.03 **“Family member”** means:
- The employee’s spouse.
 - A parent, step-parent or foster parent of the employee or the employee’s spouse.
 - A child, step-child or foster child of the employee or the employee’s spouse.
 - A child who is under legal guardianship of the employee or the employee’s spouse.
 - A brother, step-brother, sister or step-sister of the employee.
 - A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee’s spouse.
 - A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.
 - A son-in-law or daughter-in-law of the employee or the employee’s spouse.
 - An uncle or aunt of the employee or the employee’s spouse.
 - A nephew or niece of the employee or the employee’s spouse.
 - The spouse of the employee’s grandchild, uncle, aunt, nephew or niece.
 - A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.
 - Any individual prescribed as a family member for the purpose of this definition.

5.04 **“Minor child”** means an individual who is under 18 years of age.

5.05 **“Adult”** means an individual who is 18 years of age or over.

5.06 **“Qualified health practitioner”** means a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the critically ill individual, or as prescribed by regulation.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Employment Standards Act, 2000 (Ontario) and Regulations

Employment Insurance Act (Canada) and Regulations

SPP HR 4.04.ON — Personal Leave of Absence

SPP HR 4.12.ON — Family Responsibility Leave

SPP HR 4.15.ON — Family Medical Leave and Family Caregiver Leave

7 PROCEDURE

- 7.01 (a) An employee who wishes to take critical illness leave, as specified in paragraph 1.01, must advise their immediate manager in writing that they will be doing so and must provide the manager with a written plan that indicates the weeks in which they will take the leave.
- If a medical certificate issued by a qualified health practitioner sets out a period during which the person requires care or support of a family member that is less

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- that thirty-seven (37) weeks (in the case of a critically ill minor child) or less than seventeen (17) weeks (in the case of a critically ill adult), the employee is entitled to take a leave only for the period set out in the certificate.
- (b) The weeks in which critical illness leave is taken can be consecutive or they can be separated. The employee may take leave for periods less than a full week (for example, single days). However, the total leave of absence must conclude within fifty-two (52) weeks of the first day in which the certificate was issued or the first day of the week in which the critically ill child or adult became critically ill. The employee must advise **Community Resource Centre** in writing how the leave will be taken as soon as possible.
 - (c) The leave can begin for the period set out in the certificate on the first day of the week in which the minor child or adult became critically ill and ends on the last day of the week of the earlier of the following dates:
 - (i) the number of weeks specified in the medical certificate (if less than thirty-seven [37] weeks or seventeen [17] weeks, as the case may be in accordance with paragraph 1.01(i) or 1.02(ii)) have expired; or
 - (ii) thirty-seven (37) weeks of leave have been taken in the case of a critically ill child or seventeen (17) weeks have been taken in the case of a critically ill adult; or
 - (iii) the child or adult dies.
 - (d) If a critically ill child or adult remains critically ill after the period specified in the certificate ends, and if less than fifty-two (52) weeks have passed since the first day in which the certificate was issued or the first day of the week in which the critically ill child or adult became critically ill, the employee may extend the leave if a new medical certificate is issued by the qualified health practitioner setting out a new period during which the critically ill child or adult requires care and support of the employee if the total leave taken does not exceed thirty-seven (37) weeks in the case of a critically ill minor child or seventeen (17) weeks in the case of a critically ill adult, and provided that the total leave period will conclude within fifty-two (52) weeks of the first day of the week in which the critically ill minor child or adult first became critically ill.
 - (e) If a critically ill child or adult remains critically ill after the expiration of 52-week period that begins on the first day in which the certificate was issued or the first day of the week in which the critically ill child or adult became critically ill, an employee is entitled to apply for another unpaid leave period in accordance with the requirements of this policy.
 - (f) An employee may take a leave at a time other than that indicated in the written plan provided under paragraph 7.01(a) if the employee requests permission in writing from the employee's manager to do so and the manager grants permission in writing or the employee provides the employer with such written notice of the change as is reasonable in the circumstances.
 - (g) If an employee wishes to return to work prior to the expiry of the leave, the employee must give **Community Resource Centre <fourteen (14) days'>** written notice of the intended return date.

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- 7.02 The total amount of leave that may be taken by one or more employees in respect of the same critically ill child is thirty-seven (37) weeks, and in respect of the same critically ill adult is seventeen (17) weeks.
- 7.03 Leave periods for leaves taken under this policy are included in any calculation of an employee's length of employment. The period of the leave is not included when determining whether the employee has completed any probationary period.
- 7.04 On expiry of a leave under this policy, an employee who returns to work will be reinstated in the position occupied by that employee at the commencement of the leave, or if that position is not available, in a comparable position. The employee will receive a pay rate that is equal to the greater of the rate the employee most recently earned and the rate the employee would be earning had they worked throughout the leave.
- 7.05 During a leave, an employee who is eligible to participate in life insurance plans, accidental death plans, extended health plans and/or dental plans may continue to participate in those plans, unless the employee elects in writing not to do so or the employee provides written notice that they do not intend to pay the required contributions, if any, to the plan(s). If employee contributions are required, the employee is responsible for paying those contributions unless, prior to taking leave or within two (2) weeks thereafter, the employee notifies **Community Resource Centre** in writing of their intention to discontinue contributions during the leave period. Benefits do not accrue during the leave if required employee contributions are not paid. An employee wishing to continue benefits during the leave will be required to provide either post-dated cheques or make other suitable arrangements regarding payment of the employee's portion of premiums for benefit coverage.