

<b>STATEMENT of POLICY and PROCEDURE</b>			
Chapter:	Human Resources	SPP No.	<b>HR 4.15.ON</b>
Section:	Benefits	Issued:	Dec. 16, 2019
Subject:	<b>FAMILY MEDICAL LEAVE and FAMILY CAREGIVER LEAVE</b>	Effective:	Jan. 1, 2020
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## **1 POLICY**

### **1.01 Family Medical Leave**

Subject to paragraph 7.01 an employee is entitled to Family Medical Leave without pay up to a maximum period of twenty-eight (28) weeks for the purpose of providing care or support to a family member defined in paragraph 5.01 provided a qualified health practitioner issues a certificate stating that the individual has a serious medical condition with a significant risk of death occurring within a period of twenty-six (26) weeks or such shorter period as may be prescribed.

### **1.02 Family Caregiver Leave**

An employee is entitled to Family Caregiver Leave without pay up to a maximum period of eight (8) weeks in each calendar year for the purpose of providing care or support to an individual defined in paragraph 5.02 if a qualified health practitioner issues a certificate stating that the individual has a serious medical condition. For greater certainty, a serious medical condition may include a condition that is chronic or episodic.

## **2 PURPOSE**

2.01 The purpose of this Statement of Policy and Procedure is to establish effective procedures to be used by employees who may be required to provide care or support to individuals who are critically ill.

## **3 SCOPE**

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

## **4 RESPONSIBILITY**

4.01 Employees are responsible for providing written notice to their supervisors as soon as possible of their intention to take Family Medical Leave or Family Caregiver Leave and for presenting an appropriate medical certificate prior to commencing the leave.

## **5 DEFINITIONS**

5.01 For the purpose of Family Medical Leave only, "family member" means:

- (a) an employee's spouse;
- (b) a parent, step-parent or foster parent of the employee or of the employee's spouse;
- (c) a child, step-child, foster child or child under legal guardianship of the employee or of the employee's spouse;
- (d) a sibling or step-sibling of the employee;
- (e) a grandparent or step-grandparent of the employee or of the employee's spouse;

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- (f) a grandchild or step-grandchild of the employee or of the employee's spouse;
- (g) a brother-in law, sister-in-law, step-brother-in-law or step-sister-in-law of the employee;
- (h) a son-in-law or daughter-in-law of the employee or of the employee's spouse;
- (i) an aunt or uncle of the employee or of the employee's spouse;
- (j) a nephew or niece of the employee or of the employee's spouse;
- (k) the spouse of the employee's grandchild, uncle, aunt, nephew or niece;
- (l) a person who considers the employee to be like a family member, provided the employee provides, at **Community Resource Centre's** request, a completed copy of the Compassionate Care Benefits Attestation form available from Service Canada.

- 5.02 For the purposes of Family Caregiver Leave only, "**individuals**" to whom paragraph 1.02 applies include:
- (a) the employee's spouse;
  - (b) a parent, step-parent or foster parent of the employee or the employee's spouse;
  - (c) a child, step-child or foster child of the employee or the employee's spouse;
  - (d) a grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse;
  - (e) the spouse of a child of the employee;
  - (f) the employee's brother or sister;
  - (g) a relative of the employee who is dependent on the employee for care or assistance;
  - (h) any individual prescribed as a family member in the Regulations of the *Employment Standards Act, 2000* for the purpose of Family Caregiver Leave.
- 5.03 "**Provide care or support**" means to participate directly in providing care, providing psychological or emotional support, or arranging care by a third party.
- 5.04 "**Qualified health practitioner**" means a person qualified to practise as a physician or registered nurse under the laws of the jurisdiction in which care or treatment is provided to the family member or individual, or a member of a prescribed class of health practitioners.
- 5.05 "**Spouse**" means a spouse as defined in section 1 of the *Family Law Act*, or either of two persons who live together in a conjugal relationship outside of marriage.
- 6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**  
*Employment Standards Act, 2000* (Ontario) and Regulations  
*Employment Insurance Act* (Canada)  
 SPP HR 4.04.ON — Personal Leave of Absence

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SPP HR 4.12.ON --- Family Responsibility Leave  
SPP HR 4.24.ON — Critical Illness Leave  
SPP HR 4.28.ON — Domestic and Sexual Violence Leave

## 7 PROCEDURE

### 7.01 Family Medical Leave

- (a) Upon giving their immediate manager written notice of their intention to take a Family Medical Leave, and providing a medical certificate from a qualified health practitioner stating that the individual has a serious medical condition with a significant risk of death occurring within a period of twenty-six (26) weeks or such shorter period as may be prescribed, and, where required, a Compassionate Care Benefits Attestation form, employees shall be granted leave without pay for a maximum period of up to twenty-eight (28) weeks.
- (b) Family Medical Leave may be taken only in one-week periods during the period that
  - (i) starts with the first day of the week in which the medical certificate is issued; and
  - (ii) ends with the last day of the week in which the earlier of the following first occurs:
    - the family members dies;
    - twenty-eight (28) weeks of leave have been taken, or
    - the last day of the 52-week period starting on the first day of the week referred to in 7.01(b)(i).
- (c) If two or more employees apply to take Family Medical Leave for the same family member, the twenty-eight week leave period may be divided between them.
- (d) Employees who take Family Medical Leave may take twenty-eight consecutive weeks of leave or divide up the leave into more than one leave period of at least one-week period over the fifty-two (52) week period. Employees shall advise **Community Resource Centre** how the leave shall be taken.
- (e) Any change or revision related to how the leave will be taken must have the agreement of both the approving supervisor and the employee.

### 7.02 Family Caregiver Leave

- (a) Upon giving their immediate manager written notice of their intention to take a Family Caregiver Leave and providing a medical certificate from a qualified medical practitioner that the individual has a serious medical condition, employees shall be granted leave without pay for a maximum period of up to eight (8) weeks in each calendar year.
- (b) An employee who takes Family Caregiver Leave may take eight consecutive weeks of leave or divide up the leave into a number of shorter leaves, the maximum being eight one-week periods in each calendar year. The employee shall advise **Community Resource Centre** how the leave shall be taken.

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(c) Employees must re-qualify for Family Caregiver Leave in each calendar year.

**7.03 General Provisions**

On expiry of a Family Medical or Family Caregiver Leave, an employee who returns to work shall 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 shall 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 he or she worked throughout the leave.

7.04 If an employee wishes to return to work prior to the expiry of the leave, the employee must give the employer **<one (1) week's>** written notice.

7.05 If an employee wishes to extend the Family Medical Leave or Family Caregiver Leave beyond the entitlement periods prescribed in the *Employment Standards Act, 2000*, such requests will be considered as requests for personal leaves of absence and will be administered in accordance with the Personal Leave of Absence policy (SPP HR 4.04.ON).

7.06 Family Medical Leave or Family Caregiver Leave periods are included in any calculation of an employee's length of employment or seniority. The period of the leave is not included when determining whether the employee has completed the probationary period.

7.07 During Family Medical Leave or Family Caregiver Leave, an employee who is eligible to participate in pension plans, 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 s/he does 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 his/her 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.

7.08 Any entitlement to Family Medical Leave or Family Caregiver Leave is in addition to any leave entitlements for which employees may also qualify including Critical Illness Leave (SPP HR 4.24.ON), Domestic and Sexual Violence Leave (SPP HR 4.28.ON) and/or Family Responsibility Leave (SPP HR 4.12.ON).