



Canada Labour Code Part III

Leaves



Application

FEDERAL LABOUR STANDARDS APPLY TO:

Full-time and part-time employees*

Seasonal, temporary and casual employees

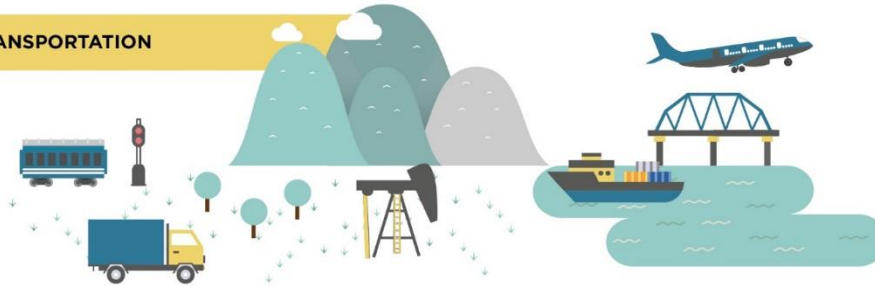
WORKING IN

FEDERAL JURISDICTION BUSINESSES AND INDUSTRIES

INTERPROVINCIAL AND INTERNATIONAL TRANSPORTATION

RAILWAYS
ROAD TRANSPORTATION - TRUCKS AND BUSES
AIRPORTS, AERODROMES, AIRLINES AND AIRCRAFT OPERATIONS

MARINE NAVIGATION AND SHIPPING, PORT SERVICES AND MAINTENANCE OF WATERWAYS
FERRIES, TUNNELS, CANALS AND BRIDGES
PIPELINES - OIL AND GAS



GRAIN

BANKING

URANIUM

TELECOMMUNICATIONS AND BROADCASTING

FEDERAL CROWN CORPORATIONS

FIRST NATIONS BAND COUNCILS



GRAIN ELEVATORS FEED AND SEED MILLS
FEED WAREHOUSES AND GRAIN-SEED CLEANING PLANTS



i.e. **BANK OF CANADA**



URANIUM MINING AND PROCESSING
ATOMIC ENERGY



RADIO, TELEVISION, TELEPHONE AND INTERNET



i.e. **CANADA POST CORPORATION** AND **CANADA MORTGAGE AND HOUSING CORPORATION**



CERTAIN COMMUNITY SERVICES ON RESERVES

DID YOU KNOW?

APPROX. 18,000 EMPLOYERS

AND

APPROX. 900,000 EMPLOYEES
(6% OF ALL CANADIAN WORKERS)

ARE SUBJECT TO FEDERAL LABOUR STANDARDS



* This includes unionized workers and temporary foreign workers in federally regulated businesses and industries.

Purpose and Application

- Primary objective:
 - To establish and protect workers' rights to fair and equitable conditions of employment
- Applies:
 - When employee/employer relationship exists
 - Regardless of other laws, customs, contracts or arrangements
 - To interns and student interns
 - To part-time, full-time, seasonal, permanent or casual employment, and temporary foreign workers



Minimum Age: Under Age 18

- Employers may employ persons under age 18 if:
 - Employee , intern or student intern is not required by provincial law to attend school
 - The work is not carried on underground or in a mine
 - The work would not cause them to be employed in or enter a place that they are prohibited from entering under the *Explosives Regulations, 2013*
 - They are not employed as a nuclear energy worker as defined in the *Nuclear Safety and Control Act*
 - They are not prohibited from doing the work under the *Canadian shipping Act, 2001*
 - Work not likely to endanger their health or safety
 - Employee, intern or student intern does not work between 11:00 p.m. and 6:00 a.m.





Medical Leave

Medical Leave

- Up to 27 weeks of unpaid leave as a result of
 - (a) personal illness or injury;
 - (b) organ or tissue donation;
 - (c) medical appointments during working hours; or
 - (d) quarantine
- If requested by employer:
 - medical certificate provided within 15 days of return to work
- The employer may not dismiss, suspend, lay off, demote or discipline the employee/intern if the employee/intern is absent for medical reasons



Medical leave with pay

- Maximum of ten days per year
 - after completing 30 days of continuous employment with an employer, three days of medical leave of absence with pay; and
 - following the period of 30 days referred to in paragraph (a), at the beginning of each month after completing one month of continuous employment with the employer, one day of medical leave of absence with pay.



Medical leave with pay

- **Medical certificate**

- The employer may request a medical certificate if the leave is for five days or more.
- At least five consecutive days



Medical leave with pay- Calculation

- Calculate the pay for medical leave of an employee with wages that vary?

$$\frac{\textit{wages for the 20 days worked immediately preceding the first day of leave, less overtime}}{20}$$

- The leave is taken in multiple periods?
...same formula applies to each period





Bereavement Leave

Bereavement Leave

- Following the death of a direct family member:
 - Spouse (includes common-law) or sibling
 - Child (including child of spouse, married or common-law)
 - Father and Mother and the spouse or common-law partner of the father or mother
 - Parent-in-law (including of common-law partner)
 - Grandparent or grandchild
 - Any relative living with employee

Continued



Bereavement Leave

- Up to 10 days of leave
- After three consecutive months of continuous employment the **first 3 days are paid** (only employees and interns)
- The employee, intern or student intern :
 - Must provide their employer with written notice, as soon as possible, indicating the start date and duration
- The leave may be taken:
 - from the day on which the death occurs ending 6 weeks after the latest of the days of the funeral, burial or memorial service; and
 - may be taken in one or two periods.



Bereavement leave - Calculation

- Calculate the pay for bereavement leave of an employee with wages that vary?

$$\frac{\text{wages for the 20 days worked immediately preceding the first day of leave, less overtime}}{20}$$

- The leave is taken in two periods?
...same formula applies to each period





Maternity Leave, Maternity-Related Reassignment and Parental Leave

Maternity Leave

- Up to 17 weeks protection
- Employee or intern must:
 - Show medical certificate from a health care practitioner
 - Give four weeks' written notice to employer
- Leave may not:
 - Begin earlier than 13 weeks before date of birth (can be extended if birth does not occur in those 17 weeks)
 - End later than 17 weeks following date of birth (except when leave interrupted if child hospitalized)



Maternity Leave: Protections

- Employer may not dismiss, suspend, lay off, demote or discipline an employee / intern because:
 - Employee / intern is pregnant
 - Employee / intern intends to take leave under this Division
- Employer may not take into account pregnancy or a maternity leave of absence in any decision not to promote or train an employee/ intern



Maternity Leave: Interruption

- Employee may interrupt maternity leave, with employer's written consent, and temporarily return to work, if child hospitalized
 - Request to interrupt leave must be made in writing
 - Leave extended by number of weeks child hospitalized
 - Leave must end no later than 52 weeks after date of birth
- Employer may:
 - Request medical certificate confirming child hospitalized within 15 days after return from work.



Maternity-related Leave or Reassignment

- Pregnant or nursing employee intern or student intern may request job functions be modified or job be reassigned
 - Medical certificate stating current job functions pose risk to employee, intern or student intern health or health of child required
 - Valid from beginning of pregnancy up to 24 weeks after birth
- If unable to work, leave must be granted:
 - Leave unpaid



Parental Leave: Up to 63 Weeks

- Employee/ intern must:
 - Be the natural or adoptive parent
 - Give four weeks' written notice to employer
- Leave may be:
 - Taken any time within 78 weeks after birth or date of custody
 - Shared if both parents work for federally regulated employers
- Maximum aggregate leave
 - Maximum aggregate leave (maternity + parental): 78 weeks
 - Maximum aggregate leave shared between two employees/parents (maternity + parental): 86 weeks



Parental Leave: Interruption

- Employee/ intern may interrupt parental leave, with employer's written consent, and temporarily return to work if child hospitalized
 - Request to interrupt leave must be made in writing
 - Leave extended by number of weeks child is hospitalized
 - Leave must end no later than 104 weeks after date of birth

Continued



Parental Leave: Interruption

- Parental leave may be interrupted to take other forms of leave:
 - 4 weeks notice unless there is a valid reason not to do so
 - Notice provision(s) of other leaves apply
 - Parental leave resumes once interruption ends
 - Employee/ intern must provide the employer with a notice in writing of the interruption before or as soon as possible after it begins.
 - Leave must end no later than 104 weeks after day child born or comes into employee's/ intern's actual care





Compassionate Care Leave

Compassionate Care Leave

- Up to 28 weeks
- All employees/ interns entitled to care or support a family member with significant risk of death:
 - Leave may be taken in increments as short as one week
- If requested by employer:
 - Medical certificate required within 15 days of return to work
 - Certificate may be from a health care practitioner
- If change in length of leave:
 - Give written notice as soon as possible to employer





Leave Related to Critical Illness

Leave for Child's Critical Illness

- Up to 37 weeks
- Employee/ intern must:
 - Be a family member of critically ill child
 - Show certificate from a health care practitioner
 - Give written notice of intention to take leave to employer as soon as possible
- Leave begins first day of week certificate issued or day on which practitioner certified child critically ill
- Leave ends after 52 weeks or last day of week in which child dies



Leave for Adult's Critical Illness

- Up to 17 weeks
- Employee/ intern must:
 - Be a family member of critically ill adult
 - Show certificate from a health care practitioner
 - Give written notice of intention to take leave to employer as soon as possible
- Leave begins first day of week certificate issued or day on which the health care practitioner certified adult critically ill
- Leave ends after 52 weeks or last day of week in which adult dies



Leave Related to Critical Illness: Interruption

- It is possible for an employee/ intern to interrupt their leave related to critical illness in order to take medical leave or work-related illness or injury
- Leave related to critical illness may resume immediately after the other leave ends
 - Cannot extend beyond 52 weeks after the leave commenced



Leave Related to Critical Illness: Notice Requirements

- Employee/ intern must give employer, as soon as possible, written notice of:
 - Reasons for leave and duration of leave intended
 - Any change in length of leave
 - Change in type of leave
- Employer may postpone return to work by up to four weeks, if request to shorten leave gives employer less than four weeks' notice





Leave Related to Death or Disappearance of a Child

Leave Related to Death or Disappearance of a Child

- Applies to death or disappearance of child under 25 years of age resulting from crime, unless:
 - employee/ intern charged with crime
- Employee/ intern must:
 - be the parent (including an adoptive parent), has the custody of or, parental authority over the child, or is the guardian of or, the tutor to the person of the child, or with whom the child is placed
 - provide documentation in support of the reasons for the leave if requested by the employer



Leave Related to Death or Disappearance of a Child

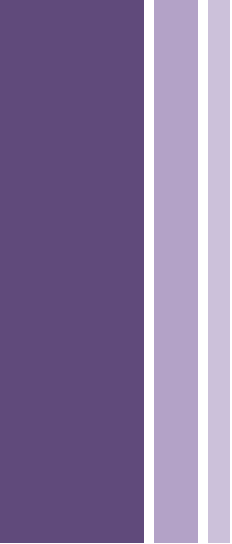
- Leave period:
 - Up to 156 weeks in case of child death or in case of child disappearance
 - Begins day on which death or disappearance occurs
 - Ends on day determined no longer probable death or disappearance is a result of crime
- If disappeared child found within 156-week period:
 - Alive: leave ends 14 days after day child found
 - Dead: leave ends 156 weeks after day of disappearance



Leave Related to Death or Disappearance of a Child: Leave Notice Requirements

- Employee/ intern must give employer, as soon as possible, written notice of:
 - Reasons for leave and duration of leave intended
 - Any change in length of leave
 - Change in type of leave
- Employer may postpone return to work by up to four weeks, if request to shorten leave gives employer less than four weeks' notice





Leave of Absence for Members of the Reserve Force

Leave of Absence for Members of the Reserve Force

- Employee/ intern must:
 - Have completed at least three consecutive months' employment
- Leave no more than an aggregate of 24 months in a 60-month period:
 - Up to 15 days for annual training and military skills training
 - Has no time limit when taking part in designated operation or called out for service
- Employer ensures:
 - Seniority continues
 - Reinstatement to same or comparable position





Work-related Illness or Injury

Work-related Illness or Injury

- Employer:
 - Must subscribe to Workers' Compensation Board or comparable plan
 - Must return employee, intern or student intern to work after absence, where reasonably practicable
 - May assign different tasks if employee, intern or student intern unable to perform former job
 - no employer shall dismiss, suspend, lay off, demote or discipline an employee because of absence from work due to work-related illness or injury.





Long-term Disability Plans

Long-term Disability Plans

- Employers with long-term disability plans are required to insure them
 - Self-insured plans may remain in place for employees/ interns who received or had applied for benefits before July 1, 2014
- Employers who provide long-term disability benefits must give proof plan insured, if requested by Labour Program





Personal Leave

Personal Leave

- Up to 5 days unpaid per year:
 - After 3 months of employment for the same employer, the first 3 days are paid
- Employers:
 - May request supporting documents concerning the reasons for the leave up to 15 days after the employees, interns or student interns return to work
- Employees, interns and student interns :
 - Shall provide supporting documents for the leave, only if reasonable practicable
- Can be taken in more than one period



Personal Leave

- Every employee is entitled to and shall be granted a leave of absence from employment of up to five days in every calendar year for
 - carrying out responsibilities related to the health or care of any of their family members
 - carrying out responsibilities related to the education of any of their family members who are under 18 years of age
 - addressing any urgent matter concerning themselves or their family members
 - attending their citizenship ceremony under the Citizenship Act
 - any other reason prescribed by regulation.



Personal leave- Calculation

- Calculate the pay for personal leave of an employee with wages that vary?

$$\frac{\textit{wages for the 20 days worked immediately preceding the first day of leave, less overtime}}{20}$$

- The leave is taken in multiple periods?
...same formula applies to each period





Leave for Victims of Family Violence

Leave for Victims of Family Violence

- Up to 10 days of unpaid leave
 - After 3 months of continuous employment for the same employer, the first 5 days are paid (for employees and interns only)
- Employees, interns and student interns must:
 - be a victim of family violence or the parent of a child that is the victim of family violence;
 - provide their employer with written notice indicating the duration of the leave, as soon as possible;
 - provide written notice if there is a change in the duration of the leave, as soon as possible; and
 - provide supporting document, if requested by their employer and if reasonably practicable

Continued



Leave for Victims of Family Violence

- This leave allows time off:
 - to seek medical attention for themselves or their child in respect of a physical or psychological injury or disability;
 - to obtain services from an organization which provides services for victims of family violence;
 - to obtain psychological or other professional counselling;
 - to relocate temporarily or permanently;
 - to seek legal or law enforcement assistance or to prepare for or participate in any civil or criminal legal proceeding;
 - or
 - to take any measure prescribed by regulation





Leave for Traditional Aboriginal Practices

Leave for Traditional Aboriginal Practices

- Up to 5 day of unpaid leave to take part in traditional aboriginal practices, such as fishing, hunting, harvesting, and any practice prescribed by regulation
- Employees, interns and student interns must:
 - be Aboriginal;
 - have 3 months of continuous employment for the same employer;
 - provide their employer with documents that demonstrate they are Aboriginal up to 15 day after their return to work, if requested; and
- The leave of absence may be taken in one or more periods.





Leave for Court or Jury Duty

Leave for Court or Jury Duty

- Unpaid leave for the time necessary to participate in a judicial proceeding as a:
 - witness;
 - juror; or
 - candidate in a jury selection process
- Employees/ interns:
 - must provide written notice to their employer
 - must provide supporting documents if required





General Leave Provisions

General Leave Provisions

- While on leave, employees and interns (if applicable) entitled to:
 - Continue pension, health and disability benefits
 - Their position upon return or, if not available, a comparable position at same rate of pay and benefits
 - Upon written request, be informed about every employment, training and promotion opportunity to which they may qualify which arise during leave



General Leave Obligations and Rights: Medical Leave

- While on medical leave, employee contributions required to receive usual entitlements to pension, health care and disability benefits
 - The employer must pay at least the same share of contributions as if the employee were not on leave, unless the employee or interns (if applicable) does not pay their contributions
 - Non-payment of contributions for leave period does not impact employment status of employee




Interruption in Leave

- An employee or intern may be entitled to more than one leave for the same event
- Such as in the case of Compassionate Care Leave, Leave related to critical illness and Bereavement leave
- Each leave is separate and the right to each leave is independent of any right an employee or intern may have to the other leave(s)



Questions?

Labour Program Contact

- For more information:
 - Toll-free: 1-800-641-4049
 - <https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards.html>
 - #LabourStandards  @Labour_ESDC

