

## OVERVIEW OF UNPAID LEAVE OPTIONS

The Employment Standards Code provides a variety of options to allow employees time to deal with the demands of modern families without the risk of losing their job because of the leave.

### **PRE-LISTENING ACTIVITIES:**

1. There are six unpaid leave options for employees. Work with a partner.

Predict what you think each type of leave means.

- Maternity Leave
- Parental Leave
- Family Leave
- Compassionate Care Leave
- Bereavement Leave
- Reservist Leave



2. Are any of these leaves common in your country of origin? Which ones?
3. How do you define who is “family” to you? Brainstorm all the key words that you associate with “family”. (For example, brother, sister, etc)

UNPAID LEAVES

**LISTENING ACTIVITY:** Employers frequently call the Employment Standards office to learn about the minimum standards which they must provide their employees with. In this listening activity, a new employer is phoning to find out about the regulations about unpaid leaves.



1. Fill in the chart by taking notes

Unpaid leave	Meaning	Length of time for the leave	Length of time employee must work to qualify for the leave
Maternity Leave			
Parental Leave			
Family Leave			
Compassionate Care Leave			
Bereavement Leave			
Reservist Leave			

3. Who are considered family members?
4. Are there programs to pay employees while on leave?

TRANSCRIPT FOR UNPAID LEAVES

Time: 5 minutes

**Employment Officer:** Good afternoon, Employment Standards...

**Employer:** Hello, I'm a new employer. I would like some information about leaves... Am I phoning the right place?

**Employment Officer:** Yes you are.

**Employer:** Could you explain, uh, I think there are about six different types of leaves. Could you explain them to me please?

**Employment Officer:** Yes, there are six. There's maternity leave, there's parental leave, family leave, compassionate care leave, bereavement leave and reservist leave.

**Employer:** Um-hum, and what-what's maternity leave?

**Employment Officer:** Okay, that is to - to stay home, uh, to take care of a child, for, uh, a new mother. To stay home to take care of their new born child.

**Employer:** So only for the woman.

**Employment Officer:** That's right.

**Employer:** Okay.

**Employment Officer:** The parental leave is for the mother or the father, again, to take care of the young baby or the new child. The family leave, is, to help, if your sick, or, if your employees are sick or if they have to deal with a family responsibility.

**Employer:** So, like if my employee has a parent teacher conference or something.

**Employment Officer:** That's right. Yeah, like if they have to take their child to the doctor, or, if they're not sick, like you said, the parent teacher conference, that's right. The bereavement leave is, is for if an employee's family member dies, they, they can take some time off to prepare for the funeral, or to grieve. And the reservist leave is for anyone who is serving in the army.



UNPAID LEAVES (Continued....)

The compassionate care leave is for an employee to take care of a family member that's very, very sick, and if that family member has the, a good chance of dying within the next 26 weeks.

**Employer:** Okay, so let me see if I've got this straight. Maternity for the woman...

**Employment Officer:** Right.

**Employer:** Parental for the man or the woman, for taking care of the baby.

**Employment Officer:** That's right.

**Employer:** Family leave, uh, for an employee's sick child, or some other kind of an appointment, family related.

**Employment Officer:** That's right.

**Employer:** Compassionate care, the person is really sick, maybe about to die.



**Employment Officer:** That's right.

**Employer:** Bereavement leave for a funeral, and reservist leave for serving in the army.

**Employment Officer:** That's right.

**Employer:** Okay, I'm also wondering, what is the length of time for each leave.

**Employment Officer:** Okay, for the maternity leave, it's 17 weeks, for the parental leave it's 37 weeks, the compassionate care leave is a maximum of 8 weeks, the bereavement leave is a maximum of three days, and the family leave is, again, a maximum of three days, and the reservist leave is as long as they are serving in the army.

**Employer:** Now if I forget all these, these details, are they on the website?

**Employment Officer:** Oh, certainly, yes they are.

**Employer:** Yeah, because I might need to double check some of them later on.

**Employment Officer:** Oh, we do all the time as well (laugh).

**Employer:** Okay, good, now, let me see, I've asked you to explain the leaves, I know how long they are, but, I don't know, how long must the employees work for me, before they're qualified to take these leaves.

UNPAID LEAVES (Continued....)

**Employment Officer:** For the maternity leave, it's seven months, the same for parental leave, it's also seven months, and the reservist leave, it's seven months.

**Employer:** Um humm.

**Employment Officer:** For the family leave, it's thirty days, as well as the compassionate care leave, and bereavement leave, is also thirty days.

**Employer:** So, if my employee has been with me less than thirty days, they really are not qualified for a leave.

**Employment Officer:** Right, they don't qualify for it. Even less than seven months, they don't qualify for the maternity or parental leave.

**Employer:** Okay. And are these leaves paid or unpaid?

**Employment Officer:** You don't have to pay them, but your employees may want to contact Employment Insurance, with the government of Canada, they may be able to help pay while they are on the leave.

**Employer:** Oh, and I forgot, I had a question a while back. Who are considered family members? Like if you say, a family leave is to take care of a family member, how do you define family member?

**Employment Officer:** It's a very very big definition. It can include your mother, father, brother, sister, cousins, aunts, uncles, nieces, nephews, step children...

**Employer:** How about the cat?

**Employment Officer:** The cat, no. That-that's going too far.

**Employer:** Okay. Yeah, and you said there were employment programs to pay the employees. Again by the government of Canada, Employment Insurance.

**Employer:** Okay, I think those are, those are all my questions. Can I contact you if I need to know anything else.

**Employment Officer:** Anytime, give us a call.

**Employer:** Thanks

**Employment Officer:** Bye Bye.



## READING ABOUT UNPAID LEAVES

### READING A: MATERNITY LEAVE

Maternity leave gives expectant mothers the opportunity to take unpaid leave from work, without the fear of job loss. Maternity leave and Parental leave are different. Maternity leave is an unpaid leave, taken near the end of a pregnancy or immediately afterwards. Parental leave is taken by fathers and mothers to care for a child after birth or adoption.



To qualify for maternity leave, employees must have worked with the same employer for at least seven consecutive months and must be expecting to give birth to a child. The leave is up to 17 weeks long.

The legislation doesn't require the employers to pay for the leave, it only requires employers to provide time off and to 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 will, give greater benefits than those provided for in the legislation.



The federal government provides programs through Employment Insurance (EI) to cover this type of leave. Please check with your local EI office or call 1-800-206-7218 for details.

Maternity leave can begin up to 17 weeks before the expected date of the birth. Generally, the leave will end 17 weeks after it began. The latest that a leave can last is 17 weeks after the birth.

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### COMPREHENSION QUESTIONS:

1. Who qualifies for maternity leave?
2. How long is maternity leave?
3. Does the employer pay during the leave?
4. Are there programs to pay employees during the leave?
5. When can an employee start her maternity leave?
6. When must employees end maternity leave?

## READING ABOUT UNPAID LEAVES

**READING B: MATERNITY LEAVE.** Employees requesting maternity leave (or parental leave) must give their employers at least four weeks' written notice before the leave. They must also provide a medical certificate indicating the estimated date of delivery.

Expectant mothers are still entitled to maternity leave if they fail to give four weeks written notice. Within two weeks of stopping work, employers must receive a medical certificate stating the expected date of delivery and noting any dates the employee was unable to work because of the pregnancy in the 17 weeks before the expected date of birth. This time missed from work can be included in the maternity leave.



At the end of maternity leave, employees may take parental leave. Mothers must take maternity and parental leave one after the other. They cannot take their maternity leave, return to work, and then take the parental leave.

Employees who want to return to work before their leave has ended must give their employers notice, in writing, at least one pay period before returning to work.

If the employee's same job is not available, a comparable position with the same pay and benefits must be offered. In special circumstances, employers may not have a position available for reasons completely unrelated to the leave. For example, if employers shut down part of their operations and reduce their workforce based on a seniority system, employees who are on unpaid leave would not necessarily be protected from losing their jobs.

Employers must show that the leave has no impact on the decision to lay off or terminate the employment.

Employees who believe they were terminated because they took or requested leave may file a claim with the Employment Standards Branch. Employers who do not allow employees to return to work after a leave may be ordered to pay compensation, and in some cases reinstate them to their jobs.

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### **COMPREHENSION QUESTIONS:**

1. How do employees start the maternity leave?
2. What if employees do not give the required notice?
3. What happens when maternity leave ends?
4. How do employees start parental leave after maternity leave?
5. What if employees want to end the leave early?
6. What if the employee's job is no longer available?
7. What if employers refuse to bring employees back to work?

## READING ABOUT UNPAID LEAVES

### **READING C: PARENTAL LEAVE**

Parental leave gives parents the opportunity to take an unpaid leave from work, to care for a new child in their family, without the fear of job loss. Maternity leave is taken by mothers. It is an unpaid leave, taken near the end of a pregnancy or immediately afterwards. Parental leave is taken by fathers and mothers to care for a child after birth or adoption.



Both the mother and the father are eligible to take their own 37 week unpaid parental leave. However, Employment insurance only provides income insurance for one 37 week period, and in reality, many fathers and mothers choose to share one 37 week parental leave, so that they will receive some unemployment income.

Employees who have worked with the same employer for at least seven consecutive months and have become a parent by birth or adoption are entitled to the leave. Parental leave is up to 37 weeks long and must be taken in one continuous period.

The employer is not required to pay for the leave. 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 will, give greater benefits than those provided for in the legislation.

### **COMPREHENSION QUESTIONS:**

1. What is the difference between maternity leave and parental leave?
2. Many couples only claim one full 37 week parental unpaid leave, and not two. Why?
3. Who qualifies for parental leave?
4. How long is parental leave?
5. Does the employer pay during the leave?

### **FAMILY LEAVE**

Family leave allows employees unpaid time off, to deal with family responsibilities or personal illness, without fear of job loss. Family leave is a short leave to take care of the needs of the employees' family or a personal illness. 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.

### **COMPREHENSION QUESTIONS:**

6. What is family leave?
7. How long is family leave?



### READING ABOUT UNPAID LEAVES

**READING D: FAMILY LEAVE** All employees employed for at least 30 days with the same employer are entitled to this leave.

Employees are not required to be paid for the family leave days. The legislation only requires employers to provide time off and allow employees to return to their job when the leave has ended. Employers can, and often do, give greater benefits than those provided for in the legislation.

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



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.

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.



Each year employees are eligible for three days of leave but it does not carry over to future years.

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.

#### **COMPREHENSION QUESTIONS:**

1. Who is eligible to take family leave?
2. Are employees paid while on family leave?
3. Who are considered family members?
4. When can employees take family leave?
5. What is considered reasonable verification?
6. Can employees who do not take any family leave this year, use six days next year?
7. Can employees take part of a day as family leave?

READING ABOUT UNPAID LEAVES

**READING E:** Read about the two leaves, and compare how they are the same or different on the chart below.

**COMPASSIONATE 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. Compassionate leave is up to eight weeks, and it is an unpaid leave. Employees who have worked with the same employer for at least 30 days qualify for this leave.



Employees must provide a certificate from a doctor indicating that a family member has a serious medical condition, has a significant risk of death in the next 26 weeks and needs care and support.

Employees can take the leave to care for and support a family member without the fear of job loss. Employees can take the leave in one or two periods. Each period must be at least one week long. The need for this type of leave is unpredictable. Generally, employees must give one pay period of notice before the leave. They must provide their employer with a doctor's certificate as soon as possible. Employees are still entitled to compassionate care leave even if they are unable to give notice. Employees who wish to return to work before their leave has ended must give their employer 48 hours' notice that they are returning to work.

**BEREAVEMENT LEAVE:** Bereavement leave allows employees unpaid time off to deal with the death of a family member, without fear of job loss. Employees who have worked for an employer for 30 days qualify for Bereavement Leave.



Employees are allowed up to three unpaid days as Bereavement Leave for the death of a family member. As with all the leaves, employees who want to take bereavement leave don't need permission. However, they must provide employers with as much notice as possible.

An employer can request reasonable verification of the family members death. This will be different in every situation. For example, an obituary from a local newspaper could reasonably verify the need for this leave.

**SORT THE FACTS FROM THE READING INTO THREE CATEGORIES:**

Compassionate Leave only	Bereavement Leave only	True for both