

A Summary 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.

What types of leave are available to employees?

There are six unpaid leave options for employees

<u>Maternity Leave</u>	17 weeks	for an employee expecting to give birth to a child
<u>Parental Leave</u>	37 weeks	for parents to care for their new child
<u>Family Leave</u>	3 days	for an employee to deal with family responsibilities or personal illness
<u>Compassionate Care Leave</u>	8 weeks	for an employee to care for a very ill family member
<u>Bereavement Leave</u>	3 days	for an employee to deal with the death of a family member
<u>Reservist Leave</u>	When needed for service.	For an employee in the Canadian Forces Reserve who needs time to serve.

How long must employees work before they qualify for the leave?

For family leave, bereavement leave and compassionate care leave, employees must work for the same employer for 30 days to qualify for leave.

For reservist, maternity and parental leave, employees must work for the same employer for seven consecutive months to qualify for leave.

Who is eligible for the leave?

All leave options have specific requirements. Pages for each leave option provide more detail. They can be found on our website, or an Employment Standards office. Generally, employees must work for the same employer for the qualifying period and provide reasonable notice.

Employers can request reasonable verification of the need for the leave.

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 Code or requesting permission for unpaid time-off. Employers do not control when an employee can take an unpaid leave under the Code, but they do control other types of time-off.

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. The definition also includes those who are not related, but are considered a family member.

Can employees be terminated for taking a statutory unpaid leave?

No. Employers cannot terminate or lay off employees solely because they have requested a leave.

Does the employer pay during the 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 will, give greater benefits than those provided for in the legislation.

Are there programs to pay employees while on leave?

Yes, 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.

For more information contact the Employment Standards Branch:

Phone: 204-945-3352; or toll free in Manitoba 1-800-821-4307

Fax: 204-948-3046

E-mail: Employmentstandards@gov.mb.ca

Website: www.manitoba.ca/labour/standards

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 the Employment Standards Branch to ask for advice.

Date Published: June 25, 2009