



## Compassionate Care Leave - Procedure

### 1. Compassionate Care Leave - With Pay

#### a. Eligibility

- An employee who has been employed with Southeast for at least thirty (30) days may request compassionate care leave when
- a family member as per the definition in 1.b. below who is seriously/critically ill and has a serious medical condition with a significant risk of death within twenty-six (26) weeks,
- the employee provides a physician's certificate stating that the ill family member needs care or support and is at risk of dying within twenty-six (26) weeks from the date the certificate is issued. A medical practitioner, such as a nurse practitioner, is accepted when the ill family member is in a geographic location where treatment by a medical doctor is limited or not accessible, and, a medical doctor has authorized the other medical practitioner to treat the ill family member. Any fees requested by the medical practitioner are the responsibility of the employee.

#### b. Leave

An employee may be granted sick leave with pay for up to a maximum of five (5) days to provide care or support to a seriously ill family member. For the purpose of this section on compassionate care leave with pay, "immediate family" is defined as

- Spouse or common-law partner of the employee
- Child of the employee or a child of the employee's spouse or common-law partner
- Parent of the employee or spouse or common-law partner of the parent
- Legal Guardian
- Brother/Sister
- Grandparents, Grandparents-in-law or grandparents of the common-law partner
- Grandchild of the employee or a grandchild of the employee's spouse or common-law partner
- Son-in-law, Daughter-in-law
- Brother-in-law/ Sister-in-law

- ii. If an employee has exhausted his/her sick leave credits, subject to the provisions of *The Employment Standards Code*, an employee may be entitled to compassionate care leave without pay under the Employment Insurance (EI) Compassionate Care Benefits.
- iv. Special consideration may be granted by the Director/Principal or designate to employees who require compassionate care leave to provide care or support to a seriously ill "extended" family member.

## **2. Compassionate Care Leave - Without Pay**

### **a. Eligibility**

Subject to the provisions of *The Employment Standards Code*, an employee may be entitled to compassionate care leave without pay under the Employment Insurance (EI) Compassionate Care Benefits

An employee who has been employed with SEC for less than thirty (30) days may request compassionate care leave without pay when

- a family member as per the definition in 1.b. above who is seriously/critically ill and has a serious medical condition with a significant risk of death within twenty-six (26) weeks
- The employee provides a physician's certificate stating that the ill family member needs care or support and is at risk of dying within twenty-six (26) weeks from the date the certificate is issued. A medical practitioner, such as a nurse practitioner, is accepted when the ill family member is in a geographic location where treatment by a medical doctor is limited or not accessible, and, a medical doctor has authorized the other medical practitioner to treat the ill family member. Any fees requested by the medical practitioner are the responsibility of the employee.

### **Definitions**

59.2(1) The following definitions apply in this section.

**"common-law partner"** of a person means a person who, not being married to the other person, is cohabiting with him or her in a conjugal relationship of some permanence.

**"family member"**, in relation to an employee, means

- (a) a spouse or common-law partner of the employee;
- (b) a child of the employee or a child of the employee's spouse or common-law partner;
- (c) a parent of the employee or a spouse or common-law partner of the parent; and
- (d) any other person who is a member of a class of persons prescribed in the regulations for the purpose of this definition.

**"physician"** means a physician who provides care to a family member and who is entitled to practise medicine under the laws of the jurisdiction in which the care is provided.

**Entitlement to leave**

59.2(2) Subject to subsections (3) to (8), an employee who has been employed by the same employer for at least 30 days is entitled to compassionate care leave of up to eight weeks to provide care or support to a seriously ill family member.

**Physician's certificate**

59.2(3) For an employee to be eligible for leave, a physician must issue a certificate stating that:

(a) a family member of the employee has a serious medical condition with a significant risk of death within 26 weeks from

(i) the day the certificate is issued, or

(ii) if the leave was begun before the certificate was issued, the day the leave began; and

(b) the family member requires the care or support of one or more family members.

**Employee to give notice to employer**

59.2(4) An employee who wishes to take a leave under this section must give the employer notice of at least one pay period, unless circumstances necessitate a shorter period.

**Employee to provide physician's certificate**

59.2(5) The employee must give the employer a copy of the physician's certificate as soon as possible.

**When leave may be taken**

59.2(6) An employee may take no more than two periods of leave totalling no more than eight weeks, which must end no later than 26 weeks after the day the first period of leave began.

**Minimum period of leave**

59.2(7) No period of leave may be less than one week's duration.

Adoption Date: August 21/12	Revision Date: December 14, 2017
-----------------------------	----------------------------------