

LEAVES OF ABSENCE

Various life events occur that require time off from work. The Newfoundland and Labrador ***Labour Standards Act*** provides different types of leave and sets out the qualifications for each. The Act provides for minimum standards, so an employee's collective agreement, employment contract or employer's policies may provide for more favourable leaves of absence entitlements than those provided for by the *Labour Standards Act*. Additional types of leave that are not mentioned in this document but are included in the *Labour Standards Act* include "Unpaid Leave for Reservists" and "Crime-Related Child Death or Disappearance Leave".

I'm pregnant. How much pregnancy leave am I entitled to?

If you are pregnant and have worked for your employer for at least 20 consecutive weeks immediately before the expected birth date, you are entitled to unpaid pregnancy leave up to 17 weeks. You may begin pregnancy leave no earlier than 17 weeks before the expected birth date. You must give your employer written notice at least 2 weeks prior to the date the leave is to begin and a doctor's certificate of the estimated birth date. You may also be entitled to parental leave, which would provide you with additional leave.

An employee is not required to give written notice 2 weeks prior to the start of their pregnancy leave if they experience complications with their pregnancy or birth (such as still-birth or miscarriage) that occur earlier than the estimated birth date. If such a situation occurs, an employee shall, within 2 weeks of stopping work, give their employer written notice of the date the pregnancy leave began and a doctor's certificate stating the employee is unable to perform her duties due to complications caused by the pregnancy and the expected birth date or stating the date of the birth, still-birth, or miscarriage and the date the employee was expected to give birth.

For employees who are entitled to pregnancy leave and parental leave, pregnancy leave ends 17 weeks after it began and then parental leave begins. Pregnancy leave can end on an earlier day if the employee provides written notice to their employer at least 4 weeks before that day. Written notice must also be provided 4 weeks before an employee's return if they do not intend to take parental leave despite being entitled to parental leave.

For employees who are only entitled to pregnancy leave, pregnancy leave ends either 17 weeks after the leave began or the day that is 6 weeks after the birth, still-birth, or miscarriage, whichever is later. Pregnancy leave can end on an earlier day if the employee provides written notice to their employer at least 4 weeks before that day.

I am adopting a child. How much adoption leave am I entitled to?

If you have been working with the same employer for at least 20 consecutive weeks and are adopting a child, you are entitled to a leave of absence without pay following the date that the child comes into your care and custody for the first time. You must give your employer written notice at least 2 weeks prior to the date the leave is to begin.

An employee is not required to give written notice 2 weeks prior to the start of their adoption leave if the child comes into the care and custody of the employee for the first time earlier than expected. If such a situation occurs, an employee shall, within 2 weeks of stopping work, give their employer written notice of their intention to take leave.

Adoption leave ends 17 weeks after it starts or on an earlier day if the employee provides written notice to their employer at least 4 weeks before that day.

I just had a child. How much parental leave am I entitled to?

If you have been employed with the same employer for at least 20 consecutive weeks, you are entitled to a leave of absence without pay following the birth of your child or the date your child comes into your care and custody for the first time.

Parental leave may begin no more than 35 weeks after the day your child is born or comes into your care and custody for the first time.

You must give your employer at least 2 weeks written notice of the date the leave is to begin. However, if your child comes into your care and custody earlier than expected, written notice must be given to the employer within 2 weeks of stopping work.

Some employees are entitled to both pregnancy and parental leave for a total of 52 weeks leave. If you plan on utilizing both pregnancy and parental leave, your pregnancy leave must be used first. Parental leave begins when pregnancy leave ends, unless your child has not yet come into your care and custody for the first time.

Parental leave ends 35 weeks after it begins or on an earlier day, if the employee provides written notice to their employer at least 4 weeks before the date they intend to return to work.

What if I want to change the notice I already provided to my employer?

An employee who has given notice as to when their pregnancy, adoption or parental leave is to begin may change the notice to an earlier date when they provide written notice to their employer at least 2 weeks before the earlier date. An employee may change the notice to a later date when they provide written notice to their employer at least 2 weeks before the leave was originally to begin.

An employee who has given notice as to when they intend for their pregnancy, adoption or parental leave is to end may change the notice to an earlier date when they provide written notice to their employer at least 4 weeks before the earlier date. An employee may change the notice to a later date when they provide written notice to their employer at least 4 weeks before the leave was to end.

What are my rights when my pregnancy, adoption or parental leave ends?

Upon returning to work, your wages, duties, benefits and position must be at the same level as they were when you began pregnancy, adoption and/or parental leave.

Can I be fired for taking pregnancy, adoption or parental leave?

No. An employer cannot dismiss an employee or give a notice of dismissal only because the employee informed their employer that they are pregnant or intend to take pregnancy, adoption or parental leave. As well, an employer cannot dismiss an employee or give notice of dismissal for absence from work by reason of pregnancy, adoption, or parental leave.

One of my family members passed away. How much bereavement leave am I entitled to?

If you have worked with the same employer for at least 30 days straight, you are entitled to one day of paid leave and two days of unpaid leave in the event of the death of a spouse, child, grandchild, mother, father, brother, sister, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law or son-in law.

If you have been employed by the same employer for less than 30 days straight, then you are entitled to two days of unpaid leave in the event of the death of a spouse, child, grandchild, mother, father, brother, sister, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law or son-in law.

I am sick. How much sick leave am I entitled to?

If you have worked with the same employer for at least 30 days straight, you are entitled to 7 days of unpaid sick leave each year. You must provide your employer with a doctor's certificate where the sick leave is for 3 or more consecutive days. Any unused sick leave expires at the end of the year in which it was granted.

I have a family responsibility and I need time off from work to deal with it. How much family responsibility leave am I entitled to?

If you have worked with the same employer for at least 30 days straight, you are entitled to 7 days of unpaid family responsibility leave in a year. You must provide your employer with a written statement of the nature of the family responsibility when the leave is for 3 or more consecutive days. Any unused family responsibility leave expires at the end of the year in which it was granted.

I need to take care of a sick family member. How much compassionate leave am I entitled to?

If you have worked with the same employer for at least 30 days straight, you are entitled to a leave of absence without pay for up to 8 weeks to provide care or support to a family member. There must be a doctor's certificate that states the family member has a serious medical condition with a significant risk of death within 26 weeks. The estimated date of death must be within 26 weeks from the day the doctor's certificate is issued or from the day the leave began, if the leave began before the certificate was issued.

The family member you are caring for must be your spouse or cohabiting partner (meaning living together for at least one year), your child, your spouse or cohabiting partner's child, your parent, or the spouse or common law partner of your parent.

An employee must give their employer written notice of the intention to take compassionate leave at least 2 weeks before it is to begin, unless there is a valid reason why notice cannot be given. Notice must include the length of leave the employee intends to take.

Compassionate leave begins the first day of the week in which the doctor's certificate is issued or which the employee stopped working, if the leave began before the certificate was issued.

An employee who is taking compassionate leave must provide written notice to their employer at least 2 weeks of any change in the length of leave intended to be taken, unless there is a valid reason why notice cannot be given.

Compassionate leave ends on the last day of the week in which either the family member dies or 26 weeks expires.

When requested by the employer in writing, the employee shall provide the employer with a copy of the doctor's certificate. If the employer chooses to make this request, they must do so within 15 days of the employee's return to work.

An employer cannot fire an employee or give notice of dismissal because the employee plans to take, applies for, or takes compassionate leave.

When an employee's compassionate leave has ended, an employer must reinstate the employee on terms and conditions that are at the same level as they were before the employee's leave began.

My child is very sick. How much critically ill child care leave am I entitled to?

If you have worked for the same employer for at least 30 days and you are the parent of a critically ill child, you are entitled to a leave of absence without pay for up to 37 weeks where a doctor issues a certificate stating that the child is critically ill and requires the care or support of the employee and the period during which the child requires care or support.

You must give your employer written notice of your intention to take leave at least 2 weeks before the leave is to begin, unless there is a valid reason why notice cannot be given. Written notice must include the length of leave that you intend to take. An employee must limit the time they are off work for critically ill child care leave to that which is reasonably necessary in the circumstances. An employee intending to take leave must also provide a copy of the doctor's certificate to their employer as soon as possible.

An employee who is taking critically ill child care leave must give at least 2 weeks of written of any change in the length of leave intended to be taken, unless there is a valid reason why notice cannot be given.

An employer cannot fire an employee or give notice of dismissal because an employee intends to take, applies for, or takes critically ill child care leave.

When an employee's critically ill child care leave has ended, an employer must reinstate the employee on terms and conditions that are at least at the same level as they were before the employee's leave began.