


# POLICY

	Policy:	<b>LEAVE OF ABSENCE</b>		
	Department:	Office of the CAO		
	Division:	Human Resources	By-Law No.:	N/A
	Administered By:	Human Resources Manager	Approval Date:	June 10, 2024
	Replaces:	Leave of Absence – October 23, 2006 Bereavement Leave – October 23, 2006		
	Attachment(s):	Appendix A: Unpaid Legislated Leave of Absence Appendix B: Paid Town Approved Leave of Absence		

## 1. POLICY STATEMENT

The Corporation of the Town of Amherstburg recognizes that employees will require time away from work to address personal circumstances and therefore is committed to providing employees with leave related entitlements which support employees needs and encourage employee well-being and work-life balance.

## 2. PURPOSE

- 2.1. This policy provides the framework that outlines leave options that are available to employees and provides information regarding how leaves are administered in circumstances where employees avail themselves of certain leave entitlements.
- 2.2. This policy ensures compliance with statutory obligations under the Employment Standards Act (ESA), 2000 and the Ontario Juries Act, R.S.O. 1990, c. J.3.

## 3. SCOPE

- 3.1. This policy applies to full time, non-union employees.
  - 3.1.1. Leave entitlements for part-time, non-union employees shall be in accordance with Employment Standards Act (ESA), 2000 and the Ontario Juries Act, R.S.O. 1990, c. J.3.
  - 3.1.2. Leave of Absence for unionized employees shall be administered in accordance with the current collective agreement.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, or sooner at the discretion of the CAO or designate.

## 4. DEFINITIONS

- 4.1. **Bereavement Leave** refers to a leave of absence that is granted to employees in the event of a death of specific family members, relatives or other important relationship as specified by the leave entitlements provided by the Town.
- 4.2. **Child Death Leave** is a leave of absence granted to an employee in circumstances where their child, step-child, child under the legal guardianship of the employee or foster child who is under 18 years of age dies.

- 4.3. **Crime-related Child Disappearance Leave** is a leave of absence that is granted to an employee with respect to the crime-related disappearance or death of an employee's child, step-child or foster child under 18 years of age.
- 4.4. **Critical Illness Leave** is a leave of absence granted to provide care or support to a critically ill minor child or adult who is a family member as defined in the ESA for whom a qualified health practitioner has issued a certificate stating that the person's state of health has significantly changed and their life is at risk as a result of an illness or injury and sets out the period for which the care or support is required.
- 4.5. **Declared Emergency Leave** is a leave of absence that is only available to employees when an emergency is declared by the province of Ontario, provided they meet the qualifying conditions outlined in the ESA.
- 4.6. **Domestic or Sexual Violence Leave** is a leave of absence granted to an employee if the employee or employee's child has experienced or been threatened with domestic or sexual violence as outlined and specified in the ESA.
- 4.7. **Family Caregiver Leave** is a leave of absence granted to employees to provide care or support to family members as defined in the ESA for whom a qualified health practitioner has issued a certificate stating that they have serious medical condition.
- 4.8. **Family Medical Leave** is a leave of absence granted to provide care or support to family members as defined in the ESA for whom a qualified health practitioner has issued a certificate stating that they have serious medical condition with a significant risk of death occurring within a period of 26 weeks or such shorter period as may be prescribed.
- 4.9. **Family Responsibility Leave** is a leave of absence granted to employees due to illness, injury, medical emergency or urgent matter relating to family members as defined in the ESA.
- 4.10. **Jury Duty Leave** is a leave of absence granted to an employee to serve as a juror, or as a Crown Witness for the purpose of the Town Jury leave provisions, and make decisions at a trial in a court of law.
- 4.11. **Organ Donor Leave** is a leave of absence for the purposes of undergoing surgery for the purposes of organ donation as stipulated in the ESA.
- 4.12. **Parental Leave** is a leave of absence that is granted to employees following the birth of a child or the coming of child into the employee's custody, care and control for the first time, as defined in the ESA.
- 4.13. **Personal Leave** is a leave of absence option provided by the Town to be used from the accumulated sick leave credits for personal matters.
- 4.14. **Pregnancy Leave** is a leave granted to pregnant employees during pregnancy leading up to and or directly following childbirth.

- 4.15. **Reserve Force** is an integral component of the Canadian Armed Forces. Members of the reserve force are primarily part-time service positions but may volunteer for full-time employment or deployment on operations. Members typically serve one or more evenings a week and/or during weekends at locations close to home.
- 4.16. **Reservist Leave** is a leave of absence granted to an employee who is a reservist and will not be performing the duties of their position for the reasons as stipulated in the ESA.
- 4.17. **Sick Leave** is a granted absence intended for personal injury, illness or medical emergency as outlined in the ESA or under the distinct sick leave provisions established by the Town.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

## **5. INTERPRETATIONS**

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

## **6. GENERAL CONDITIONS**

### **6.1. Standard Leave of Absence Types and Requirements**

- 6.1.1. All employees of the Town of Amherstburg are eligible for unpaid leaves as provided by the Employment Standards Act, 2000 (ESA) and the Ontario Juries Act, R.S.O. 1990, c. J.3. (Juries Act). Appendix A details the legislated leaves as governed by these legislations. The Town shall ensure leave administration complies with all conditions specified within the ESA and the Juries Act, as may be amended.
- 6.1.2. In addition to the unpaid leave allowances under ESA and Juries Act, the Town also provides certain paid leave options as identified in Appendix B to eligible employees.
- 6.1.3. In instances where duplicate entitlements exist for the same leave type, the application will be guided by the principle of greater good and benefit to the employee.
- 6.1.4. Additional unpaid days beyond what is provided above may be approved on a case by case basis under exceptional circumstances, provided there are no other available accrual balances that the employee may avail themselves of.
- 6.1.4.1. Employees may submit written request for a leave of absence without pay for a maximum period of five (5) days, subject to consultation and subsequent approval by both the department Director and Human Resources.

- 6.1.4.2. A written request exceeding (5) days, may be granted subject to consultation and approval by the Department Director, Human Resources and the CAO.
- 6.1.4.3. In the event that the leave request is made by the CAO, Council shall be responsible for approving the request.
- 6.1.5. During leave periods, unless expressly mentioned in the legislation or stipulated by provisions for Town-approved leaves, employees have the right:
  - 6.1.5.1. To participate in their benefit and pension plans, unless otherwise indicated by legislation or provisions outlined for Town approved leaves and in accordance with the eligibility and participation provisions of the plan. Where eligible to do so, should the employee elect to forgo participation in the benefit or pension plan, they must provide expressed written notification to the Town;
  - 6.1.5.2. To be reinstated to their original position if it remains available upon their return or to be placed in a comparable position, should the position no longer exist; and
  - 6.1.5.3. If the employee has not completed the three-month probationary period before taking a leave of absence, they will be required to fulfill the remaining probationary period upon their return to work, as outlined in the ESA.
- 6.1.6. Employees must notify and confirm approval from their direct supervisor and/or Human Resources and ensure that the Notice requirements are adhered to as outlined in this policy before taking any leave of absence.

## **7. RESPONSIBILITIES**

- 7.1. **Council** has the authority and responsibility to:
  - 7.1.1. Adopt the Leave of absence policy.
  - 7.1.2. Review and approve leave of absence requests without pay for the Chief Administrative Officer.
- 7.2. The **CAO** has the authority and responsibility to:
  - 7.2.1. Ensure appropriate oversight is in place within respective areas of responsibility to ensure compliance with the policy.
  - 7.2.2. Review and approve unpaid leave of absence requests that are above the base leave entitlements that are greater than 5 days.
- 7.3. **Directors** have the authority and responsibility to:
  - 7.3.1. Ensure appropriate departmental oversight to administer and comply with the policy.
  - 7.3.2. Review and refer applicable leave of absence requests to Human Resources.
  - 7.3.3. Review, consult and provide recommendations regarding unpaid leave up absence requests under 5 days.

- 7.4. **Managers** have the authority and responsibility to:
  - 7.4.1. Ensure policy is followed and provide clarification as required to ensure policy compliance.
  - 7.4.2. Provide input into unpaid leave of absence requests from their team members.
  
- 7.5. **Human Resources** has the authority and responsibility to:
  - 7.5.1. Ensure the policy is followed and administered in a consistent and equitable manner.
  - 7.5.2. Provide advice and consultation to department heads and employees regarding the administration of the policy.
  - 7.5.3. Ensure timely review of the policy and provide recommendations for changes as arising.
  
- 7.6. **Staff** have the responsibility to:
  - 7.6.1. Ensure their understanding and compliance with the policy and seek clarification where needed.

## **8. LEGISLATIVE REFERENCES**

- 8.1. Employment Standards Act (ESA), 2000
- 8.2. Ontario Juries Act, R.S.O. 1990, c. J.3.

# APPENDIX



## The Corporation of The Town of Amherstburg

271 Sandwich St. South, Amherstburg, ON N9V 2A5

www.amherstburg.ca

### Appendix A: Unpaid Legislated Leave of Absence

Leave Type	Maximum Length of Leave	Notice Requirements	Proof of Entitlement
<b>Pregnancy (Maternity Leave)</b>	17 weeks	2 weeks' written notice	Yes, as reasonable in the circumstances.
<b>Parental Leave</b>	61-63 weeks	2 weeks' written notice.	No
<b>Bereavement Leave</b>	2 days	Written notice, no timeframes but as soon as possible. Oral notice accepted as reasonable in the circumstances.	Yes, as reasonable in the circumstances.
<b>Sick Leave</b>	3 days per calendar year	Written notice, no timeframes but as soon as possible. Oral notice accepted as reasonable in the circumstances.	Yes, as reasonable in the circumstances.
<b>Family Responsibility Leave</b>	3 days per calendar year	Written notice, no timeframes but as soon as possible. Oral notice accepted as reasonable in the circumstances.	Yes, as reasonable in the circumstances.
<b>Family Caregiver Leave</b>	8 weeks per calendar year	Written notice, no timeframes but as soon as possible.	Yes, as reasonable in the circumstances.
<b>Family Medical Leave</b>	28 weeks in a 52-week period	Written notice, no timeframes but as soon as possible.  Medical certificate from health care practitioner must be provided upon request from the employer.  Timeline for return must be provided.	Yes, as reasonable in the circumstances.

<b>Critical Illness Leave</b>	17-37 weeks	<p>Written notice, no timeframes but as soon as possible.</p> <p>Employee must provide timeline for return.</p> <p>Medical certificate from health care practitioner must be provided upon request from the employer.</p>	Yes, as reasonable in the circumstances.
<b>Child Death Leave</b>	104 weeks	Written notice and provide the employer with a written plan that indicates the weeks in which they will take.	Yes, as reasonable in the circumstances.
<b>Crime-related Child Disappearance Leave</b>	2 weeks, or 104 weeks if a death occurs	<p>Written notice, no timeframes but as soon as possible.</p> <p>Employee must provide timeline for return.</p>	Yes, as reasonable in the circumstances.
<b>Domestic or Sexual Violence Leave</b>	<p>10 days, or 15 weeks</p> <p>The first 5 days taken in a calendar year to be taken off are paid.</p>	<p>Written, no timeframes but as soon as possible.</p> <p>Oral notice accepted as reasonable in the circumstances.</p>	Yes, as reasonable in the circumstances.
<b>Declared Emergency Leave</b>	No limit	Oral or written notice as reasonable in the circumstances; no timeframes but as soon as possible.	Yes, as reasonable in the circumstances.
<b>Organ Donor Leave</b>	13 weeks, and then another 13-week extension	<p>2 weeks' written notice</p> <p>Medical certificate from health care practitioner must be provided upon request from the employer.</p>	Yes, as reasonable in the circumstances.
<b>Reservist Leave</b>	Unlimited	4 weeks' written notice	Yes

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### Appendix B: Paid Town Approved Leave of Absence

Leave Type	Length of Leave and Entitlement Details	Notice Requirements to Employer	Proof of Entitlement
<b>Bereavement Leave</b>	<p>4 working days (immediate family including: mother, father, sister, brother spouse, common-in-law spouse or child)</p> <p>3 working days (mother/, father/sister/brother/son and daughter-in-law; step-mother/father/sister/brother and children and their spouses, grandchild, grandparents-in-law, step-grandparents or step-grandchildren.)</p> <p>1 working day may be granted for any other relative or a member of staff.</p> <p>Where death occurs during an employee's vacation or on a Paid Holiday, employees are entitled to an extension of their vacation or another day of pay in the case of a Paid Holiday.</p>	<p>Oral or Written notice to immediate supervisor, as soon as practicable.</p>	<p>Yes, as reasonable in the circumstance.</p>
<b>Sick Leave (Credited)</b>	<p>1.5 days credits per month worked</p> <p>Credits may be accumulated; however, no payment shall be made for accumulated credits upon termination of employment.</p>	<p>Oral or written notice to immediate supervisor, at least 1 hour prior to commencement of shift.</p>	<p>Yes – after three consecutive working days</p>



<b>Family Sickness/ Injury Leave</b>	3 days per calendar year taken from sick leave accrual.	Oral or written notice to immediate supervisor, at least 1 hour prior to commencement of shift.	Yes – after three consecutive working days (as reasonable in the circumstances)
<b>Personal Leave</b>	<p>3 days per calendar year from accumulated sick leave provided that:</p> <ul style="list-style-type: none"> <li>• 75 hours remain in sick leave credits after taking the time away;</li> <li>• Time away will not cause undue inconvenience to the employer;</li> <li>• Permission from immediate supervisor if taken in conjunction with holidays or vacation.</li> </ul>	Oral or written notice to immediate supervisor, as soon as possible or no later than four (4) hours prior to quitting time of the work day preceding the request day off.	No
<b>Jury Duty or Crown Witness Leave</b>	<p>Unlimited</p> <p>Employee shall receive their regular wages while absent for jury duty or testifying as a Crown witness. The pay received by the employee for serving on jury duty or as a crown witness shall be remitted to the employer minus necessary and legitimate expenses related to their service.</p>	Written Notice to immediate supervisor as soon as practicable.	Yes – Notice of serving and proof of having served and proof of payment.