



POLICY AND PROCEDURE MANUAL

SECTION: Human Resources

POLICY: HR 06

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PAGE: 1 of 12

PROTECTED LEAVES

PREAMBLE

Contact Brant recognizes that qualified employees have the right to take job protected leave without any negative consequences to their employment. As such, Contact Brant is committed to adhering to the guidelines established by the Ontario *Employment Standards Act* (ESA) with respect to any job-protected leaves. Protected Leaves may be paid or unpaid.

Contact Brant provides a work environment for its employees which is based on fairness, equity and recognition of work/life balance, and complies with legislative expectations.

Bill 47, Making Ontario Open for Business Act, 2018 outlines that employers must annually provide 3 days unpaid Sick Leave, 3 days unpaid Family Responsibility Leave, and 2 days unpaid Bereavement Leave. Contact Brant exceeds these legislative requirements under the Employment Standards Act.

The Protected Leaves Policy is an additional option for employees beyond what is covered in other policies:

- The Sick Leave Policy addresses *paid* leave for illness or non-work related injury, as well as unpaid extended sick leave.
- The Vacation and Holiday Policy provides *paid* leave that employees can request for any personal time off.
- The Hours of Work Policy allows employees to use any approved Banked Hours for lieu personal time off.

Under the ESA, “family members” refers to:

- The employee’s spouse (married or unmarried, of the same or other-identifying gender)
- A parent, stepparent, or foster parent of the employee or the employee’s spouse
- A child, stepchild, or foster child of the employee or the employee’s spouse
- A grandparent or step-grandparent of the employee or the employee’s spouse
- A grandchild or step-grandchild of the employee or the employee’s spouse
- A spouse of the employee’s child
- A brother or sister of the employee
- A relative of the employee who is dependent on the employee for care or assistance

POLICY

Contact Brant:

- Will adhere to all regulations covered under the ESA;
- Provides the job-protected leaves that employees have a right to take; and
- Manages employee leaves in a fair and consistent manner.

PROCEDURE

1.0 Contact Brant recognizes that qualified employees have the right to take job protected leave without any negative consequences to their employment. Contact Brant is committed to adhering to the guidelines established by the Ontario *Employment Standards Act* (ESA) with respect to any job-protected leaves.

The purpose of the various leaves, the eligibility requirements, the length of the leave and the evidence required to substantiate the leave will depend on the type of leave taken and employees are encouraged to speak with their Supervisor regarding their entitlement. Protected Leaves are unpaid, unless otherwise noted in this policy, and include:

- i. Bereavement Leave
- ii. Family Responsibility Leave
- iii. Jury Duty Leave
- iv. Pregnancy Leave
- v. Parental Leave
- vi. Sick Leave
- vii. Voting Leave
- viii. Child Death Leave
- ix. Crime-related Child Disappearance Leave
- x. Critical Illness Leave
- xi. Domestic or Sexual Violence Leave
- xii. Family Caregiver Leave
- xiii. Family Medical Leave
- xiv. Infectious Disease Emergency Leave
- xv. Organ Donor Leave
- xvi. Reservist Leave

2.0 Employees will direct their request for a personal leave of absence to their Supervisor in writing.

3.0 Employees have the right to continue to participate in the company benefits plans during their job-protected leave of absence. This includes programs such as: pension plan, life insurance, extended health care, and dental.

3.1 If an employee wishes to opt out of their participation in these agency-provided benefits, they must provide their request via written notice.

3.2 Contact Brant will continue to pay its portion of the employee benefits contribution to an employee's benefit plan, unless the employee has provided written notice that they wish to opt out during the leave period.

3.3 The employee must reimburse Contact Brant for their share of the benefit plan costs during their job-protected leave.

4.0 Employees will continue to accrue seniority while on a job-protected leave.

- 5.0 The total amount of leave taken by one or more employees under the ESA in respect of the same family member, child, or event is the entire amount of the leave; the leave is not doubled. Employees who are sharing the leave can be on leave at the same time, or at different times; the ESA does not provide restrictions for this. The sharing requirement applies whether the employees work for the same employer or not.
- 6.0 Bereavement Leave: The ESA outlines that employees are entitled to up to two days of unpaid leave in the event of a death of a family member (as defined by the ESA). However, Contact Brant will grant Bereavement Leave with pay in the event of a death of an immediate family member.
- 6.1 The amount of approved paid bereavement leave will depend upon the closeness of the relationship and the unique circumstances of the situation such as needing to make the funeral arrangements, out-of-town travel to attend the funeral. The maximum paid leave for bereavement will be based on the following:
- Up to 5 days for the employee's spouse (married or unmarried, of the same or other-identifying gender); a parent, stepparent, or foster parent of the employee; a child, stepchild, or foster child of the employee; a grandchild or step-grandchild of the employee.
 - Up to 1 day for a parent, stepparent, or foster parent of the employee's spouse; a stepchild, or foster child of the employee's spouse; a grandchild or step-grandchild of the employee's spouse; a grandparent or step-grandparent of the employee or the employee's spouse; a spouse of the employee's child; a brother or sister of the employee or the employee's spouse; a relative of the employee who is dependent on the employee for care or assistance. Consideration will also be given for bereavement for an aunt, uncle, cousin, or other close relationship.
- 6.2 Entitlement for bereavement leave starts once an employee has been employed with Contact Brant for a period of at least two weeks. The entitlement remains the same, regardless of whether an employee is hired partway through the year.
- 6.3 Bereavement leave can be taken on the date of the death or later for a funeral or to settle the estate.
- 6.4 Contact Brant may request reasonable documentation of the need for the bereavement leave such as a death certificate, a funeral home notice, etc.
- 6.5 The Total Hours in a workweek where Bereavement Leave is taken will not exceed 37.5 hours, or the workweek outlined in the employment contract.
- 7.0 Family Responsibility Leave: Employees who have worked for the agency for at least 2 weeks, are entitled to take up to 3 paid Family Responsibility Leave days (22.5 hours) in a fiscal year because of illness, injury, medical emergency or urgent matter relating to immediate family.
- 7.1 Employees may take the leave whether the illness is a planned event (such as surgery that is medically necessary), or an unplanned emergency

such as an urgent matter that could include an unforeseen need for childcare, as an example.

- 7.2 Notice of family responsibility leave may occur before the leave if it is planned, or as soon as it happens if unplanned. This notice can be made orally; it does not have to be in writing.
- 7.3 Contact Brant may request reasonable evidence of the need for the leave. This will not include medical notes or medical information from the doctor of the family member.
- 7.4 Family responsibility leave entitlement resets every fiscal year and the days may not be carried over. The entitlement to the three days remains the same, regardless of whether an employee is hired partway through the year.
- 7.5 The Total Hours in a workweek where Family Responsibility Leave is taken will not exceed 37.5 hours, or the workweek outlined in the employment contract.

Jury Duty and Witness Duty

- 8.0 *Jury Duty:* Contact Brant encourages employees to fulfill their civic responsibilities by serving jury duty when required. Contact Brant will grant a leave to employees for the duration of a jury summons.
 - 8.1 Although not required by legislation, Contact Brant will pay an employee who is granted Jury Duty Leave for a maximum of 2 weeks, conditional on the employee providing a copy of the jury summons to their Supervisor. Following 2 weeks of paid Jury Duty Leave, the employee will be granted a leave of absence without pay for the remainder of the jury summons.
 - 8.2 Contact Brant will continue to provide benefits for the employee during jury duty absence; when on unpaid leave, the employee must reimburse Contact Brant for their share of the premiums.
 - 8.3 Vacation time will continue to accrue during jury duty.
 - 8.4 Employees are expected to report to work whenever the court schedule permits. If juror duties are not required, the employee is expected to return to work for the remainder of the workday.
 - 8.5 Where facilities exist and such activity is not prohibited by the Court during breaks or while waiting, the employee is expected to attend to job-related duties including checking and returning messages.
 - 8.6 The employee must keep their Supervisor informed regarding the expected return to work date throughout the court process.
 - 8.7 Either Contact Brant or the employee may request an excuse from jury duty if, in the organization's judgment, the employee's absence would create serious operational difficulties.
- 9.0 *Witness Duty:* Employees are entitled to unpaid leave if they are subpoenaed for witness duty. The employee can utilize Banked Hours or Vacation time instead of an unpaid leave if they wish.

- 9.1 If an employee has been subpoenaed or otherwise requested to testify as a witness on behalf of Contact Brant, the employee will be paid for the entire period of witness duty.
- 9.2 Employees are expected to report for work whenever the court schedule permits.
- 9.3 Contact Brant may require a copy of the summons to be a witness.
- 10.0 *Plaintiff or Defendant:* If an employee is in court due to being a plaintiff or defendant, such attendance is a personal matter for which Banked Hours or Vacation time can be used. Otherwise, this is an unpaid leave of absence.
- 11.0 Pregnancy Leave and Parental Leave:
Provided an employee has worked at Contact Brant for a period of at least 13 weeks prior to the leave:
- Pregnant employees have the right of taking a pregnancy leave constituting up to 17 unpaid weeks off work, as well as up to 61 weeks of unpaid Parental leave (totaling 78 weeks).
 - Eligible employees who are not the birth parent may take up to 63 weeks of unpaid Parental leave.
- 11.1 Employees are entitled to return early from their leave if they desire to do so; however, they may not split up their leave and use up the unused part later.
- 11.2 Employees are not required to take the full pregnancy or parental leave available to them.
- 11.3 If an employee chooses to change the date their pregnancy or parental leave ends, written notice at least four weeks in advance of the new date. Must be provided to their Supervisor in accordance with the notice requirements under Ontario's minimum employment standards legislation.
- 11.4 In most cases, employees will return to their former job at the end of their pregnancy or parental leave, or a comparable job if the employee's job no longer exists. The employee will be paid as much as they were earning before their leave, or if wages for the job increased while the employee was on leave, then they would be paid the higher wage.
- 11.5 Employees on pregnancy or parental leave have the right to continue participation in the pension plan, as well as the employee benefit plan (life insurance, extended health and dental). Contact Brant will continue to pay its share of the premiums for these plans that were offered before the leave, unless the employee tells the employer in writing that the employee will not continue to pay their own share of the premiums.
- 11.6 Employees on pregnancy or parental leave have the right to continue to accrue vacation time, as well as earn credit for length of employment and seniority.
- 11.7 The waiting period to be eligible for pregnancy and parental leave, as well as the length of the leave and the amount of notice required, will be in accordance with Ontario's minimum employment standards legislation.

The qualifying period would not prevent Contact Brant from granting a maternity leave.

- 12.0 *Pregnancy Leave:* Employees embarking on pregnancy leave are required to provide at least two weeks' written notice prior to the start of their leave. This two-week notice requirement also applies if an employee needs to change the date of their pregnancy leave. Contact Brant has the right to request medical information about the leave.
- 12.1 The earliest the Pregnancy Leave can begin is 17 weeks before the employee's due date, and the latest one can begin is the baby's due date or actual date of birth if that arrives sooner.
- 12.2 In the event an employee is still pregnant after the 17 weeks of leave, they may continue on pregnancy leave until the birth and then commence their parental leave. (Note: the maximum amount of leave for pregnancy leave plus parental leave is 78 weeks.)
- 12.3 Where an emergency situation forces the leave to start early, pregnant employees must provide the notice no later than two weeks after the leave started.
- 12.4 Employees who choose not to return from pregnancy leave are required to provide at least four weeks' written notice. If an employee does not provide Contact Brant with a return-to-work date, a leave of 17 weeks will be assumed, and the employee will be expected to resume work after that time.
- 12.5 In certain cases, employees may be entitled to the use of sick time prior to the start of the pregnancy leave.
- 12.6 Pregnancy leave is not an entitlement when an employee has a miscarriage or stillbirth more than 17 weeks prior to their due date. However, if an employee has a miscarriage or stillbirth within the 17 weeks prior, they continue to be eligible for parental leave and it commences on the date of the miscarriage or stillbirth if it had not started yet; pregnancy leave for an employee who had a stillbirth or miscarriage ends either 17 weeks after the leave started or 12 weeks after the miscarriage or stillbirth (whichever is later).
- 13.0 *Parental Leave:* 'Parent' refers to a birth parent, an adoptive parent, or a person in a relationship with a parent of a child and who plans on treating the child as their own.
- 13.1 To be eligible, employees must have been hired by Contact Brant at least thirteen (13) weeks prior to starting their parental leave.
- 13.2 Birth parents who have taken pregnancy leave are entitled to up to 61 weeks of parental leave.
- 13.3 A birth parent who did not take pregnancy leave and any other new parents, are entitled to up to 63 weeks of parental leave.
- 13.4 Employees must provide at least two weeks' written notice before the start of a parental leave and four weeks' written notice if they desire to return to work before their leave entitlement has been used up. If an emergency

occurs and the parental leave needs to begin immediately, employees are required to provide their notice of the leave at least two weeks after starting the leave.

13.5 Parental leave for a pregnant employee may begin as soon as the pregnancy leave ends unless the baby has not come into their care. In this event, an employee may return to work between the pregnancy and parental leaves and then start parental leave within 78 weeks of the birth (or the date the baby first left the hospital to come home).

13.6 For any other employees, parental leave must be started no later than 78 weeks after the date of the baby's birth or the date the child came into their care, custody, and/or control. Note: the parental leave must be started within the 78 weeks but is not required to be completed then.

13.7 Employees may return early from parental leave but may not re-embark on the leave to use up any remaining time.

14.0 Sick Leave: Refer to the Sick Leave Policy regarding paid sick leave.

15.0 Voting: It is Contact Brant's responsibility to ensure employees who are eligible voters (18 years of age or older and registered to vote) have 3 consecutive hours off work on Election Day before the polls close. IF an employee's work schedule does not facilitate this requirement, Contact Brant will grant them paid time off work to vote; however, Contact Brant's office hours are such that there is usually sufficient time following work to vote.

15.1 If an employee is planning a flexible workday on an election day, they must ensure they are done work 3 hours before the polls close.

15.2 Employees must receive prior approval from their Supervisor if they are requesting time off during the workday to vote because their workday schedule cannot ensure these 3 consecutive hours off before polls close. The Supervisor may decide which three consecutive hours to grant, if required to do so.

15.3 If an employee chooses to vote during the workday even though they will be done work 3 hours before the polls close, they can do so using any Banked Hours. The same would be true if an employee chooses to vote in advanced polls during work time.

16.0 Child Death Leave: An employee who experiences the death of a child is entitled to an unpaid leave of absence for a period of up to 104 weeks. Eligibility for this leave begins after an employee has at least six months of service with Contact Brant.

16.1 "Child" refers to a child, a stepchild, a child under the legal guardianship of the employee, or a foster child less than 18 years of age.

16.2 This leave must be taken within the 105-week period that started when the child passed away and only as a single period of leave (it may not be broken up).

16.3 A written notice and a plan for taking the leave must be provided to the employee's Supervisor as soon as possible either prior to beginning the

leave or once the leave has started. As necessary, Contact Brant may require reasonable evidence of the need for the leave.

- 17.0 Crime-Related Child Death or Disappearance Leave: Employees who have been employed with Contact Brant for a minimum of six months and who experience the crime-related death or disappearance of a child are entitled to up to 104 weeks of unpaid leave. “Child” refers to a child, stepchild, or foster child who is under 18 years of age.

17.1 The crime does not have to be proven, but probable. In the event an employee was a party to the crime, they are not entitled to the leave.

17.2 This leave must be taken within the 105-week period that started when the child disappeared and must be taken all at once (it may not be broken up).

17.3 In the event there is a change in circumstance that occurs during the leave and it is no longer probable that it is the result of a crime, the employee’s entitlement to the leave ends.

17.4 If the child is found alive during the leave, an employee is entitled to remain on leave for 14 days following the discovery of the child. If a child is found dead, the employee then has a separate entitlement to the child death leave.

17.5 A written notice and a plan for taking the leave must be provided to the employee’s Supervisor as soon as possible either prior to beginning the leave or once the leave has started. The plan may be amended under special circumstances. As necessary, Contact Brant may require reasonable evidence of the need for the leave.

- 18.0 Critical Illness Leave: Employees with at least six months of service with Contact Brant are entitled to:

- up to 37 weeks in a 52-week period of unpaid leave in the event they have a critically ill minor child (includes a child, stepchild, foster child or child who is under legal guardianship and is under 18 years of age), or
- up to 17 weeks of unpaid leave in the event of a critically ill adult ‘family member’, as defined in the ESA (adult refers to a person over 18 years of age).

18.1 Employees are required to provide a medical certificate from a qualified medical practitioner which sets out who requires care and support and establishes the period of time that the care and support may be required. The certificate does not have to be produced prior to embarking on the leave but must be produced at some point during the leave.

18.2 If this medical certificate sets out a period during which the person requires care or support that is less than 37 weeks (for a minor child) or less than 17 weeks (for an adult), the employee is entitled to take a leave only for the period set out in the certificate.

18.3 An employee’s leave may be extended in the event the original certificate did not use up all of the leave, but another medical certificate must be issued.

- 18.4 Employees must also provide written notice of their intent to take the leave and a written plan indicating the specific weeks either in advance of the leave or as soon as possible after starting it. Changes may be made to the plan under special circumstances outlined in the ESA.
- 18.5 Employees may take the weeks separately, or consecutively. If an employee only takes part of a week, this qualifies as a full week of leave unless the employee takes another day in the same week; these both qualify as only one week.
- 18.6 In the event of the death of the person for whom the employee is providing care, the leave ends at the end of the week in which the person passes away.
- 19.0 Domestic or Sexual Violence Leave: Employees who have been employed for at least 13 weeks are entitled to this leave in the event the employee, or the employee's child, has experienced or been threatened with sexual or domestic violence. "Child" refers to a child, stepchild, child under legal guardianship, or foster child who is under 18 years of age.
- 19.1 The leave may be taken for any of the following:
- To seek medical attention for the employee or the child of the employee because of a physical or psychological injury or disability caused by the domestic or sexual violence
 - To access services from a victim services organization for the employee or the child of the employee
 - To have psychological or other professional counselling for the employee or the child of the employee
 - To move temporarily or permanently
 - To seek legal or law enforcement assistance, including making a police report or getting ready for or participating in a family court, civil or criminal trial related to or resulting from the domestic or sexual violence.
- 19.2 The leave provides up to ten days, and up to 15 weeks in a calendar year:
- The entitlement to the ten days resets every calendar year, regardless of the month in which an employee began employment with Contact Brant. These days may not be carried over if unused and an employee does not have to take all the days off in the same period. An employee may choose to take part days but in terms of the leave, these are counted as full days.
 - This entitlement extends if an employee needs to take up to 15 weeks of domestic or sexual violence leave for the same reasons as those above. These weeks can be taken separately, or all at once. If an employee only uses part of a week, it counts as a full week of leave.
- 19.3 The employee's first five days of leave will be paid, and the remainder of the leave is unpaid, whether the employee takes the ten days or the 15-week entitlement.

19.4 Employees are required to provide notice, either ahead of the leave or as soon as possible after they have started the leave (this notice may be provided orally), for either length of leave. Employees are not required to take the ten days leave before starting on their 15-week entitlement. Employees may be asked to provide reasonable evidence of the need for the leave.

19.5 Employees are not entitled to the leave if they committed the violence.

20.0 Family Caregiver Leave: Employees are entitled to an unpaid family caregiver leave of up to eight weeks per calendar year, per specified family member, to provide support or care in the event a medical practitioner certifies that they have a serious medical condition. Employees are entitled to this leave, regardless of the length of their term of employment.

20.1 As per the ESA, medical practitioners could include a physician, registered nurse, psychologist, psychiatrist, or nurse practitioner.

20.2 Employees do not need to produce the medical certificate prior to starting the leave but need to provide the certificate at some point during the leave. This certificate needs to include the name of the individual and that the individual has a serious medical condition but does not need to include medical specifics.

20.3 Written notice is required for the family caregiver leave of absence but may be produced during the leave if the leave was not planned.

20.4 Family caregiver leave may be taken either consecutively or separately. According to ESA, if an employee takes part of a week, this counts as a full week of the entitlement. Employees are required to provide written notice each time they are taking a week of leave.

21.0 Family Medical Leave: Employees are entitled to an unpaid family medical leave of up to 28 weeks in a 52-week period in order to provide care or support to family members who have a significant risk of death occurring within a period of 26 weeks.

(This leave is different from family caregiver leave because an employee is only eligible for family medical leave if the family member has a serious medical condition with a significant risk of death occurring within a period of 26 weeks. These leaves are also separate from the critical illness leave outlined later in this policy).

21.1 Employees are entitled to this leave, regardless of their length of service, for the care and support (e.g., emotional support or providing care) of the 'family members' defined in the ESA.

21.2 Employees are not required to take all 28 weeks consecutively and may separate their weeks. However, if an employee takes part of a week, this will count as a full week of leave.

21.3 If the family member does not pass away within the 26 weeks outlined in the original certificate, employees may continue on leave until 28 weeks have passed without needing to provide another medical certificate.

21.4 As per the ESA, there are three important periods of time relating to family medical leave:

- The 26-week period specified in the medical certificate within which the family member has a significant risk of death;
- The 52-week period that starts on the first day of the week in which the 26-week period specified in the medical certificate begins;
- The 28 weeks of family medical leave.

21.5 The latest day an employee can remain on leave is whichever date is earlier:

- The last day of the week in which the family member dies;
- The last day of the week in which the 52-week period expires (a Saturday as per the ESA);
- The last day of the 28 weeks of family medical leave.

21.6 Employees are required to provide written notice of the need for a family medical leave of absence. In the event the leave is required unexpectedly, employees may provide notice as soon as possible after having started the leave. Employees must provide notice for each week of the leave if they are taking them separately.

22.0 Infectious Disease Emergency Leave: Contact Brant will ensure that all ESA provisions are followed for specifics relating to this temporary leave, including reasons for taking the leave.

Note: This leave was created in response to the Covid-19 pandemic, for the period of March 1, 2020 to March 31, 2023. As of July 31, 2022, this leave entitlement ends but is retroactive for any time taken from work as of January 25, 2020.

23.0 Organ Donor Leave: An employee who has been with the agency for at least 13 weeks is entitled to organ donor leave in the event they are undergoing surgery to donate all or part of certain organs to a person. As necessary, organ donor leave may be extended past the original 13 weeks to an additional 13 weeks.

23.1 Under the ESA, “organ” refers to a kidney, liver, lung, pancreas, or small bowel.

23.2 This leave generally begins on the date of the surgery, unless another date is specified by a medical practitioner’s certificate.

23.3 The leave may be extended for employees in the event a qualified medical practitioner asserts that the employee requires more time away from work. The maximum length of time for organ donor leave is 26 weeks.

23.4 An employee is required to provide at least two weeks’ written notice of the need for the original leave and if there is a need to extend the leave.

23.5 An employee may return early from leave provided they have provided two weeks’ written notice that they intend to do so.

23.6 Contact Brant reserves the right to request a medical certificate attesting to the need for the leave and this must be provided as soon as possible after it is requested.

24.0 Reservist Leave: A reservist employee who has worked for the agency for at least three consecutive months and who is deployed to an operation is entitled to unpaid leave for the time that is necessary for them to be a part of the operation.

The ESA sets out that an operation may include providing assistance in dealing with an emergency or its aftermath (including search and rescue operations, recovery from national disasters such as flood relief, military aid following ice storms, and aircraft crash recovery). Employees can also take this leave if participating in Canadian Armed Forces military skills training.

24.1 Employees are required to provide written notice of the beginning and end date of their leave and will be reinstated to their same position upon returning from leave. In the event their position has been eliminated, Contact Brant will reinstate them to a comparable position.

24.2 As needed, Contact Brant reserves the right to postpone an employee's reinstatement for two weeks, or one pay period, as needed.

25.0 Other Leaves of Absence

25.1 Employees may request other leaves of absence without pay as outlined in legislation.

25.2 Any request for a personal leave for the purpose of working for another employer or serving a jail sentence will not be granted.