

# Critically Ill Adult Care Leave

Original Implementation Date: August 19, 2021      Approved by: Jacques Dubé, CAO

Date of Last Revision: NA      Approved by:

Effective Date of Last Revision: NA      Approved by:

## 1 – Policy Name

Critically Ill Adult Care Leave

## 2 – Purpose

The Municipality supports employees who must provide care to a critically ill or injured adult (who is a family member or like family) by providing approved unpaid leave as per the *Nova Scotia Labour Standards Code*. The intent is to provide job protection so employees can take time off from their job for the leave.

## 3 – Objectives

The objectives of this Policy are:

- To support employees who must provide care to a critically ill or injured adult.
- To foster work conditions which support employee wellbeing and psychological health.
- To encourage work-life balance.
- To meet legislated requirements under the *Nova Scotia Labour Standards Code*.
- To treat employees in a fair and equitable manner.

## 4 – Scope

This applies to all employees, who have worked for the Municipality for at least three months. For unionized employees, in the event a provision of the applicable Collective Agreement provides a greater entitlement than is outlined in this Policy, the Collective Agreement applies.

## 5 – Definitions

For the most current definitions related to this Policy, please see the *Nova Scotia Labour Standards Code*. <https://novascotia.ca/lae/employmentrights/>

## 6 – Roles and Responsibilities

### Executive Directors

Executive Directors are responsible for:

- Ensuring proper administration of this Policy and delegating approval authority to directors/managers/supervisors as appropriate.

### **Directors/Managers/Supervisors**

Directors/Managers/Supervisors, who are delegated this authority by the Executive Director, are responsible for:

- Considering leave requests in accordance with the requirements of the Policy.
- Assessing operational requirements in light of all leave requests.
- Approving/denying leave requests.
- Supporting the employee in addressing situations that require leave while balancing operational requirements.
- Administering the Policy in a fair and equitable manner.
- Adhering to legislated requirements and ensuring leaves are accurately recorded.

### **Employees**

Employees are responsible for:

- Submitting leave requests to their immediate director/manager/supervisor, with as much advance notice as possible.
- Accurately reporting all leaves on a regular basis.

### **Human Resources**

Human Resources is responsible for:

- Providing support to business units and employees regarding the fair and equitable administration of this Policy and any relevant legislation.
- Contacting the employee with regard to the HRM Pension Plan and group insurance benefits.

## **7 – Policy Regulations**

- A. Critically ill adult care leave is an unpaid leave that allows an employee to take time off work to provide care and support to a critically ill or injured adult who is a family member (or person like family). Employees wishing to take leave for a person who is like family must provide their employer, if requested, with a completed copy of the *Family Member Attestation* form available from Employment and Social Development Canada (see Section 13 – Attachments).
- B. A qualified medical practitioner must issue a medical certificate stating that the adult has a critical illness and the period of time for which the adult needs care. The employer can ask in writing for a copy of the medical certificate.
- C. The employee can take up to 16 weeks' leave, which must be taken within a 52-week time frame. The leave can be broken up into several periods of at least one week in duration during this time frame. The 52-week time frame begins on the first day of the week in which the adult became critically ill.

- D. In some circumstances, an employee may need further leave, which may be taken if an additional medical certificate is issued – the total combined leaves must not be more than 16 weeks in the 52-week time frame.
- E. If the person requiring care becomes significantly ill such that they are at risk of dying, the employee may need to transition to Compassionate Care Leave.
- F. The leave ends when the number of weeks stated in the medical certificate has been taken. If the employee stops providing care to the adult, the leave ends at the end of the week in which the employee stops providing care. An employee can choose to return to work earlier by giving at least 14 days' notice.
- G. Employees who take a critically ill adult care leave may qualify for a benefit under the federal government's Employment Insurance program. For more detail on this benefit, contact Service Canada.
- H. The employee must let the employer know as soon as possible of their intention to take the leave by submitting a leave application form. Where the leave must begin before a leave application form is submitted, the employee must advise the employer of the leave as soon as possible. The employee must give the employer a plan, setting out how the leave will be taken, since the leave can be broken into more than one period over the 52-week time frame. This leave plan can be changed during the leave with the employer's agreement or by providing the employer with reasonable notice.
- I. The Municipality is required to keep confidential any information received in relation to a protected leave of absence taken by an employee. Employers must not share the information except in situations where: 1) the employee has consented to the information being shared; 2) an agent or employee of the employer, such as a director/manager, needs the information to do their job; or 3) the law requires that the information be disclosed.
- J. If the employee opts to continue paying their share of group benefits and pension contributions, the Municipality will cost share.
- K. There is no accrual of vacation or sick leave entitlements while an employee is on this leave.
- L. The Municipality must accept the employee back to the same position held by the employee immediately before the leave began, or, where that position is not available, in a comparable position with no loss of seniority or benefits when the employee returns from the leave.

## 8 – Repeal

NA

## 9 – Effective Date

August 19, 2021

## 10 – Related Policies and Practices

Internal:

- Employee and Family Assistance Program (EFAP)
- Compassionate Care Leave
- Temporary Non-union Employees
- Applicable collective agreements

External:

- *Nova Scotia Labour Standards Code*  
<https://novascotia.ca/lae/employmentrights/leaves.asp#adult>
- Service Canada

## 11 – Policy Review

Review every year.

## 12 – Contact

MyHR@halifax.ca or 902-490-6145.

## 13 – Attachments

[Family Member Attestation form](#) available from Employment and Social Development Canada (ESDC).

[Leave Application Form](#)