

Compassionate Care Leave

Original Implementation Date:	January 4, 2004	Approved by:
Date of Last Revision:	May 26, 2021	Approved by: Jacques Dubé, CAO
Effective Date of Last Revision:	August 19, 2021	Approved by: Jacques Dubé, CAO

1 – Policy Name

Compassionate Care Leave

2 – Purpose

The Municipality recognizes that employees may encounter situations in which they are responsible to care for family members (or a person like family), who are seriously ill with a high risk of dying, and the Municipality supports employees with 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 the Policy are:

- To support employees who must provide care to a seriously ill family member.
- 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 Policy 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 prevails.

5 – Definitions

In the context of this document:

Compassionate care means care given to a family member (or person like family) of any age who has a serious medical condition with a significant risk of dying within 26 weeks. The care to be provided is likely to be end-of-life care.

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

Chiefs/Executive Directors

Chiefs/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 Chief/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.
- 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. It is understood that in certain circumstances (e.g., sudden illness of a family member, etc.) advance notice may not be possible.

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. Employees may request an unpaid compassionate care leave of up to 28 weeks to provide care or support to a family member (or person like family) who is seriously ill with a high risk of dying within 26 weeks. Employees wishing to take leave for a person who

is like family must provide their employer with a completed copy of the *Family Member Attestation* form available from Employment and Social Development Canada (see Section 13 – Attachments).

- B. The employee must provide as much notice as possible to the Employer of any intention to take the leave by submitting a leave application form.
- C. The leave must be taken over a 52-week time frame.
- D. The leave can be broken up into several periods of at least one week in duration during the 52-week time frame. The 52-week time frame begins on the first day of the week in which the leave began.
- E. The Employer can request the employee provide a medical certificate, from a medical doctor, stating the employee's family member is seriously ill.
- F. 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 manager, needs the information to do their job; or 3) the law requires that the information be disclosed.
- G. If the employee opts to continue paying their share of group benefits and pension contributions, the Municipality will cost share.
- H. There is no accrual of vacation or sick leave entitlements while an employee is on this leave.
- I. Employees who take a compassionate care leave may qualify for a compassionate care leave benefit under the federal government's Employment Insurance Program. For more details on this benefit, please contact Service Canada.
- J. 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

Replaces existing Compassionate Care Unpaid Leave Policy dated April 14, 2016.

9 – Effective Date

August 19, 2021

10 – Related Policies and Practices

Internal:

- Employee and Family Assistance Program (EFAP)
- Critically Ill Child Care Leave Policy
- Critically Ill Adult Care Leave Policy
- Temporary Non-union Employees
- Applicable collective agreements

External:

- *Nova Scotia Labour Standards Code*
<https://novascotia.ca/lae/employmentrights/leaves.asp#compassionate>
- 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](#)