

# Crime-related Child Death or Disappearance 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

Crime-related Child Death or Disappearance Leave

## 2 – Purpose

The Municipality supports employees who are facing the death or disappearance of their child, resulting from a probable crime, 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 are facing the death or disappearance of their child resulting from a probable crime.
- 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

In the context of this document:

**Child** means a child, step-child or foster child who is under eighteen years of age.

**Crime** means an offence under the Criminal Code (Canada), other than an offence that is prescribed by the regulations made under paragraph 209.4(f) of the Canada Labour Code.

**Parent** includes

- (i) the spouse of a parent of a child,
- (ii) a person with whom a child has been placed for the purpose of adoption,
- (iii) a guardian or foster parent of a child,
- (iv) a person who has the care and custody of a child pursuant to the *Children and Family Services Act*, and
- (v) a member of a class of persons prescribed in the regulations.

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.
- Reporting all leaves.

### 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. An employee can take up to 52 consecutive weeks of unpaid leave if their child has disappeared and up to 104 consecutive weeks if their child has died.
- B. Where a missing child is found alive during the 52-week leave period, the employee can continue the leave for another 14 days. If the child is found dead, the disappearance leave ends immediately and the employee can start 104 weeks of leave related to the death of the child.
- C. Where the death or disappearance no longer seems to be the result of a crime, the employee can continue the leave for another 14 days and the employee must give the employer notice in writing of their return to work as soon as possible.
- D. The employee can end the leave early by giving the employer 14 days' written notice.
- E. Employees who take a crime-related death or disappearance leave may qualify for income support through a federal government grant. For more information on this grant please contact Service Canada.
- F. 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 written notice can be given, the employee must advise the employer of the leave as soon as possible. The employee must also give the employer a written plan outlining the period they will take the leave, which can be changed during the leave period with the employer's agreement or by giving the employer four weeks' written notice.
- G. The employer can ask for reasonable evidence of the death or disappearance of the child and evidence showing it was likely due to a crime.
- H. The Municipality is required to keep confidential any information received in relation to a protected leave of absence an employee takes. 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.
- I. The employee is not entitled to the leave if charged with the crime.
- 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)
- Bereavement Leave
- Temporary Non-union Employees
- Applicable collective agreements

External:

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

## **11 – Policy Review**

Review every year.

## **12 – Contact**

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

## **13 – Attachments**

[Leave Application Form](#)