

THUNDER BAY REGIONAL HEALTH RESEARCH INSTITUTE STATEMENT of POLICY and PROCEDURE			
Manual:	Human Resources	SPP No.	HR 2.09
Section:		First Issued:	2008
Subject:	Leave of Absence	Effective:	April 4, 2018
Issue to:	All Manual Holders	Page:	1 of 4
		Replaces:	February 1, 2019
Issued by:	Chief Operating Officer	Dated:	March 12, 2020

1. POLICY

The Thunder Bay Regional Research Health Institute (the Institute) allows paid employees to take planned or unplanned Leaves of Absence (LOA) under specific conditions and in accordance with the Employment Standards Act (ESA).

2. PROCEDURE

Full-time, part-time, or contract employees may be eligible for a LOA. LOA's will be without pay.

Application:

- An employee submits a request for a LOA in writing to his or her Supervisor indicating the date of commencement, duration of leave and the reason. The Supervisor and the COO pre-approves the LOA request. The LOA must be requested as soon as possible but preferably, two weeks in advance;
- The Institute continues to pay its share of the premiums for any benefit plans that were offered before the LOA, unless the employee notifies the Institute in writing that he or she will not continue to pay his or her share of the premiums, and/or based on the ESA entitlement. In most cases, employees must continue to pay their share of the premiums in order to maintain their participation in these plans;
- While on an LOA, an employee has the right to decide whether to continue or not continue participating in the company pension and/or extended health benefits plans. The employee must provide their decision in writing.
- For unpaid LOA's exceeding thirty (30) calendar days, credit for service for purposes of salary increment, vacation, or any other benefit will be suspended. The employee will be responsible for 100% payment of the employee benefits in which he/she will be participating.

Types of ESA Regulated LOA's:

A. Pregnancy Leave

Pregnancy leave is up to 17 weeks of job-protected, unpaid time off work. To be eligible, the baby's expected birth ("due") date must be at least 13 weeks after the start of employment date. An employee who suffers a pregnancy loss is entitled to a 12 week leave after the loss occurs.

Full-Time Permanent Employees please refer to: SPP HR 2.22 Pregnancy/Parental Supplement

B. Parental Leave

A new parent employee (e.g., birth parent, adopting parent, person in a relationship with a parent of a child with plans to treat the child as their own) has the right to take job-protected, unpaid time

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off work. Birth mothers who take pregnancy leave are entitled to take up to 61 weeks of parental leave. All other new parents are entitled to take up to 63 weeks of parental leave. Employee must be employed for at least 13 weeks before the start of the leave.

Full-Time Permanent Employees please refer to: SPP HR 2.22 Pregnancy/Parental Supplement

C. Sick Leave

All employees (except for full-time permanent employees) are entitled to up to three unpaid job-protected sick leave days per year once they have worked for an employer for at least two consecutive weeks. An employee who missed part of a day to take the leave would be entitled to any wages they actually earned while working.

Full-Time Permanent Employees please refer to: SPP HR 2.05 Employee Benefits Plan

D. Bereavement Leave

All employees (except for full-time permanent employees) are entitled to up to two unpaid job-protected bereavement leave days per year after they have worked for an employer for at least two consecutive weeks. An employee who missed part of a day to take the leave would be entitled to any wages they earned while working.

Full-Time Permanent Employees please refer to: SPP HR 2.21 Bereavement

E. Family Responsibility Leave

All employees have the right to take up to three days of unpaid job-protected leave each calendar year because of an illness, injury, medical emergency or urgent matter relating to certain relatives.

F. Family Caregiver Leave

All employees are entitled to unpaid job-protected time off work for up to 8 weeks per calendar year, to care for or support specific family members who have a serious medical condition. The 8 weeks do not have to be taken consecutively. A qualified health practitioner must issue a certificate stating that the individual has a serious medical condition. The certificate should be provided prior to the start of the leave, unless it is an emergency case.

G. Family Medical Leave

All employees are entitled to unpaid job-protected time off work for up to 28 weeks in a 52 week period, to enable employees who have a family member (or people the employee considers to be like family members) with a serious risk of passing away within a period of 26 weeks. The 28 weeks of a family medical leave do not have to be taken at the same time. If 2 or more employees qualify to take the leave in order to care for the same person, the leave must be divided amongst those taking the leave. The medical condition and risk of death must be confirmed in a certificate issued by a qualified health practitioner.

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H. Critical Illness Leave

All employees are entitled to unpaid job-protected time off work to provide care or support to a critically ill family member. An employee can take up to 37 weeks in a 52 week period to care for a critically ill child (minor) who is a family member. An employee can take up to 17 weeks of leave in a 52 week period to provide care to a critically ill adult who is a family member. If the child or adult remains critically ill after the end of the 52 week period, the employee may be eligible for additional leaves of up to 17 or 37 weeks in subsequent 52 week periods. The weeks of leave do not have to be taken consecutively. An employee can take the leave in periods of less than a full week, but is considered to have used up one week of the leave entitlement. The leave is available to an employee if a qualified physician, registered nurse or psychologist issues a certificate.

I. Organ Donor Leave

All employees are entitled to unpaid job protected leave from work for the purposes of organ donation for up to 13 weeks, although in cases where a physician declares that the employee is not able to resume his/her work, an additional period of time is granted. The maximum period of the extended leave is 13 weeks. However, this may be extended for up to an additional 13 weeks if the employee is not yet able to perform the duties of their job because of the organ donation. The employee must have been continuously employed for 13 weeks to be eligible for this leave. The organ donor leave must begin on the date of the surgery, although it may begin earlier where a physician specifies an earlier date in a written certificate. Employee must provide a medical certificate confirming the reasons for and the expected duration of the leave.

J. Child Death Leave

All employees are entitled to an unpaid job-protected leave for up to 104 weeks with respect to the death of a child. The employee must have been employed for at least 6 consecutive months to be eligible for this leave. In most cases, an employee must take the leave in a single period.

K. Crime-Related Disappearance Leave

All employees are entitled to an unpaid job-protected leave for up to 104 weeks with respect to the disappearance of a child. The employee must have been employed for at least six consecutive months to be eligible for this leave. The employee is not entitled to the leave if they are charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime. This leave must be taken in a single period.

L. Domestic or Sexual Violence Leave

All employees are entitled to up to 10 individual days of leave and/or up to 15 weeks of leave if the employee or their child experiences domestic or sexual violence or the threat of domestic or sexual violence. The leave may only be taken for a reason relating to the violence or threat of violence against the employee or the employee's child, including:

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- Seeking medical attention for a physical or mental injury or disability caused by the violence;
- Obtaining services from a victim services organization.
- Receiving psychological or other professional counseling.
- Relocating, either temporarily or permanently.
- Seeking legal or law enforcement assistance, including participation in a criminal or civil trial.

The employee must have been employed for at least 13 consecutive weeks to be eligible for this leave. The first 5 days of leave, each calendar year, will be paid. The rest will be unpaid.

M. Reservist Leave

All employees who are military reservists and who are deployed to an international operation or to an operation within Canada that is or will be providing assistance in dealing with an emergency or its aftermath, including search and rescue operations, are entitled to an unpaid leave for the time necessary to engage in that operation. In the case of an operation outside Canada, the leave would include pre and post-deployment activities, even if those activities take place within Canada, which are required by the Canadian Forces in connection with that operation. To be eligible for reservist leave, an employee must have worked for the Institute for at least 6 consecutive months. Employees on a reservist leave are entitled to be reinstated to the same position if it still exists or to a comparable position if it does not.

N. Jury Duty Leave

All employees are granted an unpaid leave to perform their civic duty as jurors. A copy of their summons to jury duty is required. Where the jury duty lasts for only part of a day, the employee is required to return to work (where possible) for the remainder of the day. Once the jury leave has concluded, the employee must provide evidence of the jury duty with documentation from the court clerk confirming the days that the employee participated on the jury.

Full-Time Permanent Employees please refer to: SPP HR 2.24 Jury Duty

3. REFERENCES

SPP HR 2.02 Hours of Work

SPP HR 2.05 Employee Benefits

SPP HR 2.21 Bereavement

SPP HR 2.22 Pregnancy/Parental Supplement

SPP HR 2.24 Jury Duty

<https://www.ontario.ca/document/your-guide-employment-standards-act-0>

This policy is subject to, and shall be applied in accordance with applicable legislation.