



KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

ADMINISTRATIVE REGULATIONS

Section: Human Resources

• Leaves of Absence

Regulation: LEAVE OF ABSENCE –
STATUTORY LEAVES

Regulation Code: HR-6.1.9

Policy Code Reference: HR-6.1
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This administrative regulation is written in accordance with the guiding principles in Board Policy No. HR-6.1, Leave of Absence, and in accordance with the Employment Standards Act, as amended from time to time.

The Employment Standards Act covers a wide range of leaves intended to assist employees with time away from work or flexibility in work arrangements related to family emergency or to assist with family responsibilities. This administrative regulation will highlight some of the more common leave provisions outlined in the Employment Standards Act. Where the request of an employee for leave of absence without pay which is covered under the Employment Standards Act and is not subject to the provisions of a collective agreement, this administrative regulation will apply.

All leaves of absence in this administrative regulation will be without pay, unless specified otherwise in a current and valid terms and conditions of employment, collective agreement approved by the Board, or within this Administrative Regulation.

The Board reserves the right to make amendments to this regulation at its sole discretion as changes occur to the Employment Standards Act (2000),

1. Pregnancy Leave of Absence

Pregnancy leave will be granted in accordance with provincial statutes.

1.1 Subject to eligibility requirements as specified by the insurer, the employee may participate in any of the benefits to which the employee belongs at the time of the leave provided that the employee pays the employee's share of the premium. During this leave, the employer will continue to pay its share of the benefit premiums. The employee must make payment arrangements through the applicable benefits carrier and/or the Board to maintain benefits coverage. Those benefits that are a condition of employment shall be maintained during the leave. The Board reserves the right to discontinue the participation in the benefits plan for any employee should any two payments be denied for reason of insufficient funds.

1.2 When an employee decides to return to work after pregnancy leave, the employee will provide the Board with at least four weeks' notice.

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1.3 Pregnancy Leave Supplementary Employment Benefit

Subject to the applicable provisions of a collective agreement or terms of employment, supplementary employment benefits will only be made available to permanent employees.

- 1.3.1 The Board will provide for employees on pregnancy, a supplementary employment benefit (SEB) plan providing for payment of 100% of salary for an eight week period immediately following the birth of the child. The SEB payments will be the difference between the gross amount an employee receives from EI and the employee's normal gross pay. These payments will not exceed 100% of the employee's normal weekly earnings.
- 1.3.2 Employees who are entitled to sick leave in accordance with Administrative Regulation No. HR-2.1.2, Compensation for Employees: Sick Leave, who do not qualify for EI payments, will be paid 100% of salary for a maximum of eight weeks (following a normal delivery/non-complicated childbirth). To receive such pay the employee must provide a medical note from the attending physician, certified midwife and/or certified nurse practitioner verifying the actual date of birth to Human Resource Services within six weeks of the birth and documentation from HRSDC indicating that they do not qualify for EI.
- 1.3.3 The employee must provide the Board with proof that the employee has applied for and is in receipt of employment insurance benefit in accordance with the Employment Insurance Act, as amended before SEB is payable.
- 1.3.4 It is understood that the maximum period for which top-up is provided is inclusive of the seventeen week pregnancy leave maximum provisions provided for under federal legislation.

2. Parental Leave of Absence

Parental leave will be granted in accordance with provincial statutes.

- 2.1 Subject to eligibility requirements as specified by the insurer, the employee may participate in any of the benefits to which the employee belongs at the time of the leave provided that the employee pays the employee's share of the premium. During this leave, the employer will continue to pay its share of the benefit premiums. The employee must make payment arrangements through the applicable benefits carrier and/or the Board to maintain benefits coverage. Those

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benefits that are a condition of employment shall be maintained during the leave. The Board reserves the right to discontinue the participation in the benefits plan for any employee should any two payments be denied for reason of insufficient funds.

2.2 When an employee decides to return to work after parental leave, the employee will provide the Board with at least four weeks' notice.

2.3 Parental Leave Supplementary Employment Benefit

Subject to the applicable provisions of a collective agreement or terms of employment, supplementary employment benefits will only be made available to permanent employees.

2.3.1 The Board will provide for employees on parental leave, a supplementary employment benefit (SEB) plan providing for payment of 90% of salary for the waiting period for Human Resources and Skills Development Canada (HRSDC) employment insurance (EI) benefit provided that the waiting period falls within the school year and during a period for which the employee would normally be paid. Such payment will not be made during non-pay periods.

2.3.2 Employees do not have a right to SEB payments except to supplement HRSDC employment insurance (EI) benefits during the unemployment period as specified in this plan.

2.3.3 The employee must provide the Board with proof that the employee has applied for and is in receipt of employment insurance benefit in accordance with the Employment Insurance Act, as amended before SEB is payable.

2.3.4 An employee disentitled to, or disqualified from, receiving EI benefits will not be eligible for a SEB. A SEB payment will be made only when it has been verified that the employee has applied for and is in receipt of EI benefits.

2.3.5 The waiting period before EI benefits commence is the maximum number of weeks for which a SEB is payable. An employee who is not required to serve a waiting period before EI benefits commence will not be eligible to receive a SEB payment.

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4. Adoption Leave

Where an employee seeks leave due to adoption, the foregoing provisions for parental leave will apply.

5. Family Medical Leave

Family medical leave will be granted in accordance with the provisions of the Employment Standards Act, as amended.

- 5.1 Family medical leave of up to twenty eight weeks will be provided to any employee for the purpose of caring for or supporting a family member, as defined herein, who suffers from a serious medical condition with a significant risk of death within twenty-six weeks.
- 5.2 “Week” means a period of seven consecutive days beginning on a Sunday and ending on a Saturday. Partial weeks taken under this leave will be counted as full weeks.
- 5.3 Family medical leave is an unpaid leave of absence; therefore during the leave, no salary or allowances will be paid. Upon return to work, the employee will be placed on the salary schedule in accordance with the qualifications and experience the employee would have as if the employee had worked throughout the family medical leave.
- 5.4 Service continues to accrue during family medical leave.
- 5.5 Subject to eligibility requirements as specified by the insurer, the employee may participate in any of the benefits to which the employee belongs at the time of the leave provided that the employee pays the employee’s share of the premium. During this leave, the employer will continue to pay its share of the benefit premiums. The employee must make payment arrangements through the applicable benefits carrier and/or the Board to maintain benefits coverage. Those benefits that are a condition of employment shall be maintained during the leave. The Board reserves the right to discontinue the participation in the benefits plan for any employee should any two payments be denied for reason of insufficient funds.
- 5.6 An employee who intends to take a family medical leave will notify the employer of the dates on which the employee intends to leave and return to active employment. The date of return to active employment will be:

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- 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, or
- the last day of the twenty eight weeks of family medical leave, whichever is earlier.

5.7 The employee will provide to the employer a medical certificate from the attending physician indicating that a member of the family suffers from a serious medical condition with a significant risk of death within twenty-six weeks. The certificate is not required to start the leave; however, the certificate must be provided as soon as possible following the start of the leave. If the certificate is not provided, the employee will not be entitled to the protected leave.

5.8 For the purposes of this article, “family” is defined as follows:

- the employee’s spouse (including same-sex partner),
- a parent, step-parent or foster parent of the employee,
- a child, step-child or foster child of the employee or the employee’s spouse,
- a brother, step-brother, sister, or step-sister of the employee,
- a grandparent or step-grandparent of the employee or of the employee's spouse,
- a grandchild or step-grandchild of the employee or of the employee's spouse,
- a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee,
- a son-in-law or daughter-in-law of the employee or of the employee's spouse,
- an uncle or aunt of the employee or of the employee's spouse,
- a nephew or niece of the employee or of the employee's spouse,
- the spouse of the employee's grandchild, uncle, aunt, nephew or niece,
- family medical leave may also be taken for a person who considers the employee to be like a family member. Employees wishing to take a family medical leave for a person in this category must provide the Board, if requested, with a completed copy of the compassionate care benefits attestation form, available from Employment and Social Development Canada, whether or not they are making an application for EI Compassionate Care Benefits or are required to complete the form to obtain such benefits.

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5.9 Family Medical Leave - Supplemental Employment Benefit Plan (SEB)

Subject to collective agreement provisions, the SEB payments will be available to those individuals employed by the Board on a permanent basis. Details SEB plan are found in paragraph 7 of this administrative regulation.

6. Critical Illness Leave

Critical illness leave will be granted in accordance with the provisions of the Employment Standards Act, as amended. To be eligible for such leave the employee must be employed with the Board for at least six consecutive months.

- 6.1 Critical illness leave of up to 37 weeks in relation to a critically ill minor child, or 17 weeks in relation to a critically ill adult will be provided to any employee for the purposes of caring for or supporting a critically ill minor child or adult family member, as defined herein, whose state of health has significantly changed and their life is at risk as a result of an illness or injury.
- 6.2 “Week” means a period of seven consecutive days beginning on a Sunday and ending on a Saturday. Partial weeks taken under this leave will be counted as full weeks.
- 6.3 Critical illness leave is an unpaid leave of absence; therefore during the leave, no salary or allowances will be paid. Upon return to work, the employee will be placed on the salary schedule in accordance with the qualifications and experience the employee would have as if the employee had worked throughout the critical illness leave.
- 6.4 Service continues to accrue during critical illness leave.
- 6.5 Subject to eligibility requirements as specified by the insurer, the employee may participate in any of the benefits to which the employee belongs at the time of the leave provided that the employee pays the employee’s share of the premium. During this leave, the employer will continue to pay its share of the benefit premiums. The employee must make payment arrangements through the applicable benefits carrier and/or the Board to maintain benefits coverage. Those benefits that are a condition of employment shall be maintained during the leave. The Board reserves the right to discontinue the participation in the benefits plan for any employee should any two payments be denied for reason of insufficient funds.

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- 6.6 An employee who intends to take a critical illness leave will notify the employer of the dates on which the employee intends to leave and return to active employment.
- 6.7 The employee will provide to the employer a medical certificate from the attending physician indicating that a minor or member of the family suffers from a serious medical condition with a significant risk of death within twenty-six weeks. The certificate is not required to start the leave; however, the certificate must be provided as soon as possible following the start of the leave. If the certificate is not provided, the employee will not be entitled to the protected leave.
- 6.8 For the purposes of this article, “family” is defined within paragraph 5.8 above.
- 6.9 **Critical Illness Leave - Supplemental Employment Benefit Plan (SEB)**

Subject to collective agreement provisions, the SEB payments will be available to those individuals employed by the Board on a permanent basis. Details SEB plan are found in paragraph 7 of this administrative regulation.

7. Family Medical/Critical Illness Leave - Supplemental Employment Benefit Plan (SEB)

- 7.1 Subject to the prior approval of HRSDC (Human Resources and Skills Development Canada), the employer will provide for employees on family medical/critical illness leave, a Supplementary Employment Benefits (SEB) plan providing for payment of 100% of salary for an eight week period, provided the period falls within the school year and during a period for which the employee would normally be paid.
- 7.2 Employees do not have a right to SEB payments except to supplement EI benefits during the unemployment period as specified in this plan.
- 7.3 The employee must provide the Board with proof that the employee has applied for and is in receipt of employment insurance benefits in accordance with the Employment Insurance Act, as amended, before SEB is payable.
- 7.4 An employee disentitled or disqualified from receiving EI benefits will not be eligible for a SEB. A SEB payment will be made only when it has been verified that the employee has applied for and is in receipt of EI benefits.
- 7.5 An employee who is eligible for EI benefits is not entitled to benefits paid under the Board’s sick leave and short-term disability plan

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8. Sick Leave

The request of an employee for Sick Leave under Section 50. (1) of the Employment Standards Act requires that an employer grant such unpaid leave, to a maximum of three days per calendar year, subject to the following provisions of Section 50 excerpted from the Act.

- 8.1 An employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay because of personal illness, injury, or medical emergency.
- 8.2 An employee's entitlement to leave under this section is limited to a total of three days in each calendar year.
- 8.3 An employee who wishes to take a leave under this section shall advise his or her employer that he or she will be doing so.
- 8.4 For the purposes of an employee's entitlement to Sick Leave, if an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day.
- 8.5 An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

9. Family Responsibility Leave

The request of an employee for Family Responsibility Leave under Section 50.0.1 (1) of the Employment Standards Act requires that an employer grant such unpaid leave, to a maximum of three days per calendar year, subject to the following provisions of Section 50 excerpted from the Act.

- 9.1 An employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay for any of the following:
 - 9.1.1 The illness, injury, or medical emergency of an individual described in 9.3 below.
 - 9.1.2 An urgent matter that concerns an individual described in 9.3 below

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- 9.2 An employee's entitlement to leave under this section is limited to a total of three days in each calendar year.
- 9.3 For the purposes of this leave, Family Members are:
- 9.3.1 The employee's spouse
- 9.3.2 A parent, step-parent or foster parent of the employee or the employee's spouse.
- 9.3.3 A child, step-child or foster child of the employee or the employee's spouse.
- 9.3.4 A grandparent, step-grandparent, grandchild or step grandchild of the employee of the employee's spouse.
- 9.3.5 The spouse of a child of the employee
- 9.3.6 The employee's brother or sister
- 9.3.7 A relative of the employee who is dependent on the employee for care or assistance.
- 9.4. An employee who wishes to take a leave under this section shall advise his or her employer that he or she will be doing so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it.
- 9.5. For the purposes of an employee's entitlement to Family Responsibility Leave, if an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day.
- 9.6 An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

10. Bereavement Leave

The request of an employee for Bereavement Leave under Section 50.0.2 (1) of the Employment Standards Act requires that an employer grant such unpaid leave, to a maximum of two days per calendar year, subject to the following provisions of Section 50 excerpted from the Act.

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- 10.1 An employee who has been employed by an employer for at least two consecutive weeks is entitled to a leave of absence without pay because of death of an individual described in section 10.3 below.
- 10.2 An employee's entitlement to leave under this section is limited to a total of two days in each calendar year.
- 10.3 For the purposes of this leave, Family Members are:
 - 10.3.1 The employee's spouse
 - 10.3.2 A parent, step-parent or foster parent of the employee or the employee's spouse.
 - 10.3.3 A child, step-child or foster child of the employee or the employee's spouse.
 - 10.3.4 A grandparent, step-grandparent, grandchild or step grandchild of the employee of the employee's spouse.
 - 10.3.5 The spouse of a child of the employee
 - 10.3.6 The employee's brother or sister
 - 10.3.7 A relative of the employee who is dependent on the employee for care or assistance.
- 10.4. An employee who wishes to take a leave under this section shall advise his or her employer that he or she will be doing so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it.
- 10.5. For the purposes of an employee's entitlement to Bereavement Leave, if an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day.
- 10.6. An employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

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