

## Statutory Leaves of Absence:

The Employment Standards Act of Ontario provides for job-protected leaves of absence for a variety of reasons. These various leaves are listed below, along with links to more information about the nature, purpose, and eligibility requirement for such leaves. You may be entitled to more than one of these leaves for the same event. Each leave is separate and the right to each leave is independent of any right you may have to other leaves.

In some cases, you may also be eligible to receive Employment Insurance Benefits during a job-protected leave of absence.

Please be sure to read the government information at the links below, as well as your collective agreement or employment contract as may be applicable. If you have any questions about your entitlements as it relates to leaves of absence from work, please speak with your leader or contact your [Employee/Labour Relations Advisor](#).

## General Notification Procedures

To request any type of leave of absence, with the exception of Personal Emergency Leave, you must complete a [Request for Leave of Absence Form](#).

## Pregnancy and Parental Leave:

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Pregnancy and Parental Leave:

- **Pregnancy Leave** of *up to 17 weeks* for birth mothers;
- **Parental Leave** of *up to 63 weeks* for new parents, or *up to 61 weeks* for birth mothers who also take Pregnancy leave.

To be eligible for Pregnancy Leave, your baby's expected birth date ("due date") must be at least 13 weeks after the date you started employment. To be eligible for Parental Leave, you must have been employed by McMaster University for at least 13 weeks before the start of the leave.

Information about your right to take Personal Emergency Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

Information about your eligibility for [Employment Insurance benefits during a Pregnancy and/or Parental leave](#) is available through the Government of Canada.

Certain employee groups at McMaster University have Supplemental Benefits for Pregnancy and/or Parental leaves. Please consult with your [collective agreement](#) or employment contract for more information.

### **Personal Emergency Leave:**

The Employment Standards Act of Ontario includes provisions for up to 10 days of Personal Emergency Leave each calendar year, the first two of which are paid.

Personal Emergency Leave may be taken for one of the following reasons:

1. A personal *injury, illness or medical emergency*; and
2. The *death, illness, injury, medical emergency or urgent matter* that concerns of any of your following family members:
  - spouse (includes both married and unmarried couples, of the same or opposite genders)
  - parent, step-parent, foster parent, child, step-child, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
  - spouse of the employee's child
  - brother or sister of the employee
  - relative of the employee who is dependent on the employee for care or assistance.

Many collective agreements and employment contracts at McMaster University provide for paid time away from work in excess of this new minimum standard, and therefore will not be significantly impacted by this change.

It is important, therefore, to know and understand the leave provisions of the relevant [collective agreement](#) or employment contract, as well as the reason for the leave. Specific examples of such paid time away from work that provide a greater right or benefit to employees in handling personal emergencies include, as may be applicable in the case:

- Bereavement leave;
- Personal illness/injury benefits such as sick banks and salary continuance programs;
- “Personal” and “Special” leave days; and
- Management Compensation Days.

Information about your right to take Personal Emergency Leave is available in the Ontario government’s [Guide to the Employment Standards Act](#).

For more information, please speak with your leader or contact your [Employee/Labour Relations Advisor](#). A guideline and Frequently Asked Questions about Personal Emergency Leave is available [here](#).

### **Family Caregiver Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Family Caregiver Leave:

- *Up to 8 weeks* per calendar year, taken consecutively or separately, per designated family member.

Family Caregiver Leave may be taken to provide care or support to each of the following family members for whom a qualified health practitioner has issued a certificate stating that they have a serious medical condition:

- the employee's spouse
- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, step-child or foster child of the employee or the employee's spouse
- a grandparent or step-grandparent of the employee or the employee's spouse
- a grandchild or step-grandchild of the employee or the employee's spouse
- a spouse of a child of the employee
- a brother or sister of the employee
- a relative of the employee who is dependent on the employee for care or assistance.

The specified family members do not have to live in Ontario for the employee to be eligible for family caregiver leave.

Care or support includes, but is not limited to: providing psychological or emotional support; arranging for care by a third-party provider; or directly providing or participating in the care of the family member.

Information about your right to take Family Caregiver Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

### **Family Medical Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Family Medical Leave:

- *Up to 28 weeks* in a 52-week period, taken consecutively or separately, per designated family member.

Family Medical Leave may be taken to provide care or support to any of the following individuals who have a serious medical condition with a significant risk of dying within 26 weeks:

- your spouse
- your parent, step-parent or foster parent
- your brother, step-brother, brother-in-law, step-brother-in-law, sister, step-sister, sister-in-law or step-sister-in-law
- a child, step-child, foster child, son-in-law or daughter-in-law of you or your spouse
- a grandparent, step-grandparent, grandchild or step-grandchild of you or your spouse
- your father-in-law, step-father-in-law, mother-in-law or step-mother-in-law
- an uncle, aunt, nephew or niece of you or your spouse
- the spouse of your grandchild, uncle, aunt, nephew or niece
- your spouse's foster parent
- any other person who considers you to be like a family member

Information about your right to take Family Medical Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

Information about your eligibility for [Employment Insurance benefits during a Family Medical Leave](#) is available through the Government of Canada.

Certain employee groups at McMaster University have Supplemental Benefits for Family Medical Leave. Please consult with your [collective agreement](#) or employment contract for more information.

### **Critical Illness Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Critical Illness Leave:

- *Up to 37 weeks* in a 52-week period, taken consecutively or separately, to care for a minor child; and
- *Up to 17 weeks* in a 52-week period, taken consecutively or separately, to care for an adult family member.

Critical Illness Leave may be taken to provide care or support to a critically ill minor child (under 18 years of age) or adult who is one of the following family members:

- your spouse
- your parent, step-parent or foster parent
- your brother, step-brother, brother-in-law, step-brother-in-law, sister, step-sister, sister-in-law or step-sister-in-law
- a child, step-child, foster child, son-in-law or daughter-in-law of you or your spouse
- a grandparent, step-grandparent, grandchild or step-grandchild of you or your spouse
- your father-in-law, step-father-in-law, mother-in-law or step-mother-in-law
- an uncle, aunt, nephew or niece of you or your spouse
- the spouse of your grandchild, uncle, aunt, nephew or niece
- your spouse's foster parent
- any other person who considers you to be like a family member

You must have been employed by McMaster University for at least six consecutive months to be eligible for this leave.

“Critically ill” means that a person’s baseline state of health has significantly changed and their life is at risk as a result of an illness or injury.

Information about your right to take Critical Illness Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

Information about your eligibility for Employment Insurance benefits during a Critical Illness Leave for [minor children](#) and [adults](#) is available through the Government of Canada.

### **Organ Donor Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Organ Donor Leave:

- *Up to 13 weeks*, generally from the date of the surgery. There are provisions for extensions, where necessary.

Organ Donor Leave may be taken for the purpose of undergoing surgery to donate all or part of one of the following organs to a person: kidney, liver, lung, pancreas, small bowel.

Information about your right to take Organ Donor Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

### **Child Death Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Child Death Leave:

- *Up to 104 weeks*, taken in a single period within the 105-week period beginning with the week in which the child dies.

Child Death Leave may be taken with respect to the death of a child (your child, step-child, child under your legal guardianship or foster child who is under 18 years of age). You must have been employed by McMaster University for at least six consecutive months to be eligible for this leave.

Information about your right to take Child Death Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

### **Crime-Related Child Disappearance Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Crime-Related Child Disappearance Leave:

- *Up to 104 weeks*, generally taken in a single period, within the 105-week period beginning with the week in which the child disappears.

Crime-Related Child Disappearance Leave may be taken with respect to the disappearance of a child and it is probable, considering the circumstances, that the child disappeared as a result of a crime. You must have been employed by McMaster University for at least six consecutive months to be eligible for this leave.

Information about your right to take Crime-Related Child Disappearance Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

Information about your eligibility for a grant related to Crime-Related Child Disappearance Leave is available through the [Government of Canada](#).

### **Domestic or Sexual Violence Leave:**

The Employment Standards Act of Ontario includes the following provisions for job-protected Domestic or Sexual Violence Leave:

- *Up to 10 days and/or 15 weeks* within a calendar year, of which the first 5 days are paid.

Domestic or Sexual Violence Leave may be taken if you or your child has experienced or been threatened with domestic or sexual violence, for any of the following particular purposes:

- 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 counselling;
- relocating, either temporarily or permanently; or
- seeking legal or law enforcement assistance, including participation in a criminal or civil trial.

You must have been employed by McMaster University for at least 13 weeks to qualify for this leave.

Information about your right to take Domestic or Sexual Violence Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).

Please also visit the University's [Sexual Violence Response Coordinator](#) in the Equity and Inclusion Office for more information about support services and resources.

### **Reservist Leave:**

The Employment Standards Act of Ontario includes the following provisions for unpaid, job-protected Reservist Leave:

- Leave for the *time necessary to engage in the operation*;
- Reinstatement to the same position if it still exists or to a comparable position if it does not.

Reservist Leave may be taken if you are a military reservist and 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). You must have been employed with McMaster University for at least six consecutive months to be eligible for this leave.

Information about your right to take Reservist Leave is available in the Ontario government's [Guide to the Employment Standards Act](#).