

OPS FACT SHEET

Leaves of Absence: Collective Agreement and *Employment Standards Act*

This Fact Sheet provides information on specific sections of the Collective Agreement that directly impact AMAPCEO-represented Regular or Permanent employees. *For more details about Leaves of Absence, please refer to Article 23 of the AMAPCEO OPS Collective Agreement.*

This Fact Sheet also provides information on specific Leaves which form part of the *Employment Standards Act* and which are not found in the Collective Agreement but do apply to AMAPCEO-represented Regular or Permanent employees.

Leaves without Pay – Collective Agreement Article 23.2

At any time, you may request in writing from your manager a leave of absence without pay and without accumulation of credits. The Employer will normally respond to your request within 10 days, but more time may be required in some instances. The Employer must not unreasonably withhold consent with respect to your request, but may take into account 'operating requirements' as a factor in the decision to approve or deny your request.

Educational Leave – Collective Agreement Article 23.2.3

You may request a leave of absence without pay and without accumulation of credits to pursue education for a minimum of one school year. The request should be made in writing to your manager. The Employer must not unreasonably withhold consent with respect to your request, but operating requirements are a factor in the decision to approve or deny your request.

Self-Funded Leave – Collective Agreement Article 23.2.4

You may request a leave of absence without pay and without accumulation of credits by participating in the self-funded leave plan as permitted under the Income Tax Act to defer pre-tax salary dollars to fund a leave of absence.

Prior to taking the leave, a part of an employee's salary entitlement for a specified period, as determined by the employee, is deposited into a special bank account at a financial institution designated by the Employer. At the end of the specified period, the

employee would start the leave of absence and be paid the amount set aside in the bank account. For example, under this plan, an employee may work full time for three years, but receive (and pay tax on) only 75% of his/her normal salary. In year four, the employee would start the leave of absence and receive the amount deferred (the equivalent of 25% of salary for each of the previous three years).

Special or Compassionate Leave – Collective Agreement Article 23.3.1

You may request up to three days per year from your manager for special or compassionate purposes. A Deputy Minister has the authority to grant up to six months leave for special or compassionate purposes.

Dependent and Elder Care Leave – Collective Agreement Article 23.3.4

Effective April 1, 2018 you are entitled to special paid leave of two (2) days per year to attend to unforeseen dependent and elder related care, provided you have not exhausted your special and compassionate leave under Article 23.3.1.

In addition, Article 23.2.2 of the collective agreement allows you to request up to one (1) year of leave without pay and without accumulation of credits to care for a dependent person. Such a request is subject to Article 23.2 “Leaves without Pay” (see above).

Family Caregiver Leave – Employment Standards Act Section 49.3

You are entitled to up to eight (8) weeks of family caregiver leave under the *Employment Standards Act* to care for a family member with a serious medical condition, which may also be chronic or episodic [ss.49.3(2)(3)(4)]. Any part of a week taken for family caregiver leave will count as one full week of leave [ss.49.3(7.1)]. Note that the family caregiver leave under the *Act* is separate from the family medical leave also provided by the *Act*, and which covers situations where there is a serious risk of death for the family member (see Family Medical Leave section below).

Religious Accommodation – Collective Agreement Article 23.4

You are entitled to special leave for the purposes of religious accommodation of up to two (2) days per year, provided you have not exhausted your special or compassionate leave under Article 23.3.1, and provided the day being requested qualifies as a religious holiday. You should provide reasonable notice in advance of taking this paid leave of absence.

Leave for Outside Employment – Collective Agreement Article 23.5

You may request a leave of absence with pay and with accumulation of credits (and continued access to your benefits plans) for up to one year for the purpose of undertaking employment with the Government of Canada or another public agency.

You may request a leave of absence without pay and without accumulation of credits (and without coverage of benefits plans) for up to one year for the purpose of undertaking employment with a private or public corporation or with the Government of Canada or another public agency.

A Deputy Minister is responsible for reviewing and making a decision on a request under this provision. (This leave is also available with pay at the Employer's discretion. This leave may also be renewed for an additional year at the Employer's discretion).

Military Leave – Collective Agreement Article 23.6

You may request up to two weeks leave per year for the purpose of Canadian Forces Reserve Training. Only one of these weeks can be paid, but during both weeks you will accrue credits and will be covered by your benefits plans.

Jury Duty or Witness Duty Leave – Collective Agreement Article 23.7

If you have been summoned to serve as a juror or witness, you may choose to treat the absence as a leave without pay, use vacation days or request a leave with pay. If you receive payment for your duty as a juror or witness and are granted a leave with pay, you will be required to pay any fees you receive as a juror to the ministry. If you use vacation credits or take a leave without pay, you may keep any fees you receive as a juror.

If the Jury Duty Leave is greater than one month, you will not accrue credits or be covered by the benefit plan during the leave.

Bereavement Leave – Collective Agreement Article 23.8

You are permitted up to three (3) days paid bereavement leave in the event of the death of a spouse (including same sex partner and common-law spouse), mother, father, step-mother, step-father, mother-in-law, father-in-law, son, daughter, step-son, step-daughter, brother, sister, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, step-grandparent, grandchild, step-grandchild, foster child, ward or guardian, former guardian or former ward, foster parent or former foster parent.

You are permitted one (1) day paid bereavement leave in the event of the death of an aunt, uncle, niece or nephew, if you would otherwise have been at work.

Should a funeral for a relative listed above occur more than 800 kms away from your home, you are entitled to two (2) additional unpaid bereavement days.

Emergency Leave – Collective Agreement Article 23.9

Article 23.9 of the Collective Agreement references personal emergency leave entitlements under the *Employment Standards Act*. Under the *Act* an employee is entitled to ten (10) days of personal emergency leave each year. The first two (2) of these personal emergency leave days are paid [ss.50(5)]. This personal emergency leave is available for personal illness, injury or a medical emergency / death / urgent matter relating to yourself, a spouse, a parent, an immediate family member or a relative who is dependent on you for care and assistance.

Family Medical Leave – Collective Agreement Article 23.10

Article 23.10 of the Collective Agreement references family medical leave entitlements under the *Employment Standards Act*. Under the *Act*, an employee is entitled to up to twenty-eight (28) weeks of unpaid leave to provide care or support to certain family members and people who are considered like a family member in respect of whom a qualified health practitioner has issued a certificate indicating that he or she has a serious medical condition with a significant risk of death occurring within a period of 26 weeks [ss.49.1(2)]. Note that the family medical leave under the *Act* is separate from the family care giver leave also provided by the *Act*, and which covers situations where there is NOT a serious risk of death for the family member (see Family Care Giver leave section above).

Organ Donor Leave – Collective Agreement Letter of Understanding re: Organ or Bone Marrow Donation

The “Letter of Understanding re: Organ or Bone Marrow Donation” dated October 18, 2012 (see page 157 of the Collective Agreement) mandates that an employee who is an organ or bone marrow donor and who is unable to attend to their duties is entitled to paid sick leave in accordance with Article 37 and PT7.

Organ donor unpaid leave is also available under the *Employment Standards Act* [ss.49.2(3)(6)(10)] if you have worked for the OPS for at least thirteen (13) weeks and have exhausted your sick credits under Article 37 or PT7. Organ donor leave is unpaid for up to thirteen (13) weeks, which can be extended for up to an additional thirteen (13) weeks, for the purpose of undergoing surgery to donate all or part of certain organs. The ESA Organ Donor Leave does not include leaves related to bone marrow donation. In order to access this leave you may be required to produce a medical certificate.

Critical Illness Leave – Employment Standards Act Section 49.4

Critical Illness Leave is an unpaid leave of absence of up to 37 weeks within a 52- week period for a minor child and up to 17 weeks within a 52-week period for an adult family member. It may be taken to provide care or support to a critically ill minor child or adult family member of the employee for whom a qualified health practitioner has issued a certificate.

Parents who take leave from work to provide care or support to their critically ill child(ren) may be eligible to receive EI special benefits for Parents of Critically Ill Children for up to 35 weeks.

Child Death Leave – Employment Standards Act Section 49.5

Provides up to 104 weeks of unpaid leave with respect to the crime-related death of an employee’s child.

An employee who takes time away from work because of the crime-related death or disappearance of their child may be eligible for the Federal Income Support for Parents of Murdered or Missing Children grant.

Crime-Related Child Disappearance Leave – *Employment Standards Act* Section 49.6

Provides up to 104 weeks of unpaid leave with respect to the crime-related disappearance of an employee's child.

An employee who takes time away from work because of the crime-related death or disappearance of their child may be eligible for the Federal Income Support for Parents of Murdered or Missing Children grant.

Domestic or Sexual Violence Leave – *Employment Standards Act* Section 49.7

Provides up to ten (10) days and fifteen (15) weeks of unpaid leave in a calendar year. The usage of one (1) day allows the employer to count that as one (1) week towards an employee's allowable leave in a calendar year.

Questions?

If you have any questions, please contact a Workplace Representative. A complete list of Workplace Representatives can be found on the AMAPCEO Website at amapceo.on.ca. Keep in mind that you are not restricted to a Workplace Representative in your particular ministry.