

EMPLOYMENT STANDARDS UNPAID, JOB-PROTECTED LEAVES

Effective January 1, 2019



Overview

Alberta's workplaces have evolved since the *Employment Standards Code* was last updated in 1988, including growth in part-time jobs, shift work and flexible schedules. In June 2017, the *Fair and Family-friendly Workplaces Act* was passed, and included changes to the Code applicable to employees and employers under provincial jurisdiction. This publication covers the basic standards for unpaid, job-protected leaves employers are expected to meet and employees can expect to receive.

? What are job-protected leaves?

Job-protected leaves are unpaid leaves of absence set out in the Employment Standards legislation. They allow employees to take time off of work for personal reasons without having to be worried about having a job when they return.

? When do the new rules apply?

Changes are effective January 1, 2019.

Find more detailed information about Alberta's Employment Standards at alberta.ca/EmploymentStandards



ES 1577
ISBN 978-1-4601-3672-0 (Print)
ISBN 978-1-4601-3673-7 (PDF)

Disclaimer: In the event of any discrepancy between this information and Alberta Employment Standards legislation, the legislation is considered correct. This guide is not a comprehensive list of Alberta's Employment Standards.

Ask a question online at:
alberta.ca/Esquestions

toll free from anywhere in Alberta

1-877-427-3731

within Edmonton

780-427-3731

The Employment Standards Contact Centre is your direct line to the answers you need.

Need support? Let's talk.



Find more detailed information about Alberta's Employment Standards at alberta.ca/EmploymentStandards



What leaves are available?

Employees are eligible for most unpaid leaves after 90 days of employment with the same employer.* The following outlines the maximum length for each unpaid job-protected leave available to employees in Alberta:

Maternity leave	16 weeks
Parental leave	62 weeks
Reservist leave	as needed
Compassionate care leave	27 weeks per year
Bereavement leave	3 days per year
Domestic violence leave	10 days per year
Citizenship ceremony leave	half day – once in a lifetime
Critical illness leave	36 weeks for a child 16 weeks for an adult
Long-term illness and injury leave	16 weeks per year
Personal and family responsibility leave	5 days per year
Death or disappearance of a child leave	52 weeks or 104 weeks

*Employees are eligible for reservist leave after 26 weeks of employment.

See inside for a handy poster that provides details on issues including minimum wage, days off, job-protected leaves and more.



How Alberta's Employment Standards apply to job-protected leaves



What are the eligibility requirements?

Employees are eligible for most leaves after 90 days of employment, with the exception of reservist leave. See the specific leaves for additional eligibility requirements.



Do wages need to be paid?

No, unless stated in an employment contract or collective agreement.



Can employees be terminated?

No, nor can they be laid off while on leave (or after giving notice of their intention to take leave for maternity or parental leave).



For leaves regarding family, who is considered a family member?

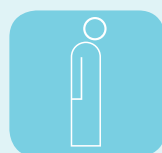
Learn more about family members and family-related leaves at alberta.ca/EmploymentStandards



What notice has to be given?

Written notice must be provided to the employer as soon as possible, stating the intention of taking leave. Certain leaves have additional requirements.

Short-term leaves



Bereavement leave

May be taken upon the death of an immediate or extended family member.

Maximum leave 3 days per year



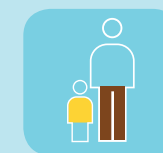
Domestic violence leave

May be taken if an employee experiences domestic violence.

Maximum leave 10 days per year

See alberta.ca/EmploymentStandards for more information on:

- eligibility regarding domestic violence
- what is considered domestic violence
- what domestic violence leave can be taken for



Personal and family responsibility leave

May be taken (if necessary) for:

- employee health matters

OR

- an employee's family responsibilities.

Maximum leave 5 days per year



Citizenship ceremony leave

May be taken upon notification of receiving a Canadian citizenship certificate.

Maximum leave half day – once in a lifetime

Long-term leaves



Maternity and parental leave

- Maternity leave may be taken for the birth of a child
- Parental leave may be taken for the birth or adoption of a child
- Employees can take up to:

Maternity leave 16 weeks

Parental leave 62 weeks

When can maternity leave be taken?

Leave can start within 13 weeks leading up to the estimated due date, and no later than the date of birth.

Who can take parental leave?

- Birth mother, immediately following maternity leave
- Other parent
- Adoptive parents
- Both parents, shared between them

What are the requirements?

Written notice 6 weeks before or as soon as possible

A medical certificate is also required for maternity leave within 2 weeks of the mother's last day of work.



Reservist leave

Employees who are reservists are **eligible for leave after 26 weeks** of employment.

Maximum leave 20 days per year for annual training

They can also take as long as needed to accommodate the period of service required for international or domestic deployment.

What are the requirements?

Written notice 4 weeks before or as soon as possible

An employer may also request documentation from the employee's commanding officer that verifies:

- the employee is taking part in an operation of activity that qualifies for reservist leave
- the day the leave starts
- the estimated or known length of the leave

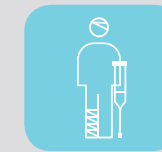


Death or disappearance of a child leave

May be taken for the death or disappearance of a child under 18 years of age, as a result of a probable Criminal Code offence.

Child has disappeared 52 weeks

Child has died as a result of a crime 104 weeks



Long-term illness and injury leave

May be taken if an employee has a long-term illness or injury.

Maximum leave 16 weeks per year

What are the requirements?

Written notice As soon as possible

A medical certificate must also be provided to the employer, that states the estimated duration of the leave.



Critical illness leave

May be taken if an employee needs to care for a critically ill family member.

Maximum leave 36 weeks for a child

Maximum leave 16 weeks for an adult

What are the requirements?

Written notice 2 weeks before or as soon as possible

A medical certificate must also be provided to the employer, that states:

- that the child or adult is critically ill and requires the care or support of a parent or family member
- the start date of the period when care or support is needed
- the end date of the period during which the child or adult requires care or support
- the date the leave began (if the leave started before the certificate was issued)



Compassionate care leave

May be taken if:

- an employee is required to provide care or support to a seriously ill family member

AND

- an employee's family member is at significant risk of dying within 26 weeks.

Maximum leave 27 weeks

What are the requirements?

Written notice 2 weeks before or as soon as possible

A medical certificate must also be provided to the employer, that states:

- the family member has a serious medical condition and significant risk of dying within 26 weeks

AND

- the family member requires the care or support of one or more family members.