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| Research St. Joseph's – Hamilton (RSJ-H) | | Pages 1 of 11 | Number 069-RSJ-H |
| Policy Title Leaves of Absence | | Date 23 March 2017 | |
| Supersedes New policy | Cross Reference | Issuing Authority RSJ-H Scientific Director | |
| <input checked="" type="checkbox"/> Charlton Campus | <input checked="" type="checkbox"/> West 5th Campus | <input checked="" type="checkbox"/> King Campus | |

Position responsible for developing and maintaining the policy: RSJ-H Scientific Director

1.0 PURPOSE & GOALS DESCRIPTION

To provide guidance to employees on the Research Institute's leaves of absences and the process for applying for these leaves.

2.0 POLICY

This policy defines Research Institute practice with respect to leaves of absence with or without pay that may be granted to employees for justifiable reasons acceptable to the Research Institute.

2.1 To Request a Leave

To request a leave of absence, an employee must complete a Leave of Absence Request Form and forward the form to his/her Supervisor/Principal Investigator. The Supervisor/Principal Investigator will forward completed form to Research Administration.

Leave of Absence Request Form - Standard HR leave form which can be found on MyStJoes page or www.stjoes.ca.

2.2 Authorization

Supervisor/Principal Investigator may authorize pregnancy and parental leaves or medical leaves in accordance with this policy as well as requests for leaves of absence without pay of up to four weeks' duration.

Requests for leaves of absence in excess of four weeks for any reason, other than pregnancy or parental leave must be referred to the Executive Director, Research Institute for approval.

Once leaves of absence have been approved by the authorities listed above, copies of the approved Leave of Absence letter will be distributed to the employee, Supervisor/Principal Investigator, payroll and human resources.

After Human Resources receives the completed leave of absence form, Human Resources will send out a confirmation of the approved leave of absence by notifying the employee in writing at least fourteen (14) days prior to the commencement of the leave. If a leave of absence has not been approved, the Supervisor/Principal Investigator will advise the employee. In cases of emergency, the Supervisor/Principal Investigator will provide a verbal reply to the employee and

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a written leave of absence letter will be sent out to the employee within fourteen (14) days of Human Resources being notified of the approved leave.

2.3 Seniority and Service

Unless expressed otherwise in this policy (ie. Pregnancy and Parental Leave): In the event that an employee is granted a leave of absence without pay, and such leave is in excess of 30 days, then the employee's seniority and service for the purpose of vacation or sick leave shall not accrue for the period in excess of 30 days, and the next anniversary of the employee shall be deferred by the length of such leave.

2.4 Continuation of Benefits

All contributions normally made by the Research Institute for benefit coverage shall cease for the duration of the leave of absence, and the employee must make arrangements with the Payroll Department to pay the full premium amount applicable. This shall apply to the period of the leave of absence that is in excess of 30 days, up to a maximum of 11 months.

The Research Institute will continue to pay its share of the premiums up to thirty (30) months from the time the absence commenced while an employee is in receipt of WSIB benefits or is on sick leave (including the Employment Insurance period).

For 17 weeks of pregnancy leave and/or 35 weeks of parental leave, the Research Institute will continue to pay its share of the benefit premiums if the employee wishes to continue to pay his/her share.

3.0 PROCEDURE

3.1 Pregnancy Leave

A full-time employee who is pregnant shall be entitled to a seventeen week pregnancy leave and a thirty-five week parental leave, for a maximum leave of fifty-two weeks, in accordance with the Employment Standards Act. Service and vacation entitlement will accrue for the length of the approved leave up to a maximum of fifty-two weeks.

The Research Institute shall grant a pregnancy/parental leave of absence without pay for reasons of pregnancy, provided the employee has completed 13 weeks of continuous service with the Research Institute prior to the starting time of such leave.

A request for such leave must be made in writing to the employee's Supervisor/Principal Investigator at least two weeks and preferably one month, prior to the proposed commencement date of the leave. The employee is responsible for providing her Supervisor/Principal Investigator with a certificate from a medical practitioner confirming and outlining the date of confinement.

The employee shall reconfirm in writing her intention to return to work at least four (4) weeks prior to the end of the leave.

The employee shall be reinstated to her former position unless the position has been discontinued in which case she shall be assigned a comparable position.

An employee may request that her pregnancy leave commence at any time during the seventeen (17) weeks prior to the estimated date of her delivery.

An employee on pregnancy leave will not be permitted to resume work for at least six weeks after the date of delivery, unless a certificate from her family physician permitting her to do so is provided.

The Research Institute may request an employee to commence pregnancy leave at such time as the duties of her position cannot reasonably be performed by a pregnant woman, or the performance or non-performance of her work is materially affected by the pregnancy.

An employee who is on pregnancy leave as provided under this Agreement who is in receipt of Employment Insurance pregnancy benefits pursuant to Section 30 of the Employment Insurance Act shall be paid a supplemental employment benefit. That benefit will be equivalent to the difference between ninety-three percent (93%) of her regular weekly earnings and the sum of her weekly Employment Insurance benefits and any other earnings. Such payment shall commence following completion of the two week Employment Insurance waiting period, and receipt by the Research Institute of the employee's Employment Insurance cheque stub as proof that she is in receipt of Employment Insurance pregnancy benefits, and shall continue while the employee is in receipt of such benefits for a maximum period of fifteen (15) weeks. The employee's regular weekly earnings shall be determined by multiplying her regular hourly rate on her last day worked prior to the commencement of the leave times her normal weekly hours.

In addition to the foregoing, the Research Institute will pay the employee ninety-three percent (93%) of her normal weekly earnings during the first two (2) week period of the leave while waiting to receive Employment Insurance benefits.

The employee does not have any vested right except to receive payments for the covered employment period. The plan provides that payments in respect of guaranteed annual remuneration or in respect of deferred remuneration or severance pay benefits are not reduced or increased by payments received under the plan.

3.2 Parental/Adoption Leave

An employee who becomes a parent of a child is eligible to take a parental leave in accordance with the provisions of the Employment Standards Act.

An employee who has taken a pregnancy leave will be granted a parental leave of up to thirty-five (35) weeks and a natural father or an adoptive parent may be granted a parental leave of up to thirty-seven (37) weeks duration, in accordance with the Employment Standards Act. Consideration will be given to any requirements of adoption authorities. In cases of adoption, the employee shall advise the Research Institute as far in advance as possible with respect to a prospective adoption and shall request the leave of absence, in writing, upon receipt of confirmation of the pending adoption. If, because of late receipt of confirmation of the pending

adoption, the employee finds it impossible to request the leave of absence in writing, the request may be made verbally and subsequently verified in writing.

An employee shall be reinstated to his/her former position, unless that position has been discontinued, in which case the employee shall be assigned a comparable position.

An employee who is on parental leave as provided under this Agreement who has applied for and is in receipt of Employment Insurance parental benefits pursuant to Section 20 of the Employment Insurance Act, shall be paid a supplemental employment benefit. That benefit will be equivalent to the difference between ninety-three percent (93%) of his/her regular weekly earnings and the sum of his/her weekly Employment Insurance benefits and any other earnings. Such payment shall commence following completion of the two week Employment Insurance waiting period, and receipt by the Research Institute of the employee's Employment Insurance cheque stub as proof that he/she is in receipt of Employment Insurance parental benefits, and shall continue while the employee is in receipt of such benefits for a maximum period of ten (10) weeks. The employee's regular weekly earnings shall be determined by multiplying the regular hourly rate on the last day worked prior to the commencement of the leave times the normal weekly hours.

In addition to the foregoing, the Research Institute will pay the employee ninety-three percent (93%) of her normal weekly earnings during the first two (2) week period of the leave while waiting to receive Employment Insurance benefits.

The employee does not have any vested right except to receive payments for the covered employment period. The plan provides that payments in respect of guaranteed annual remuneration or in respect of deferred remuneration or severance pay benefits are not reduced or increased by payments received under the plan.

3.3 Jury and Witness Duty

If an employee is required to serve as a juror in any court of law, or is required to attend as a witness in a court proceeding in which the Crown is a party, or is required by subpoena to attend a court of law or coroner's inquest in connection with a case arising from the employee's duties at the Research Institute, the employee shall not lose seniority/service or regular pay because of such attendance, and shall not be required to work on the day of such duty, provided that the employee:

- Notifies the Research Institute immediately on the employee's notification that he/she will be required to attend at court;
- Presents proof of service requiring the employee's attendance;
- Deposits with the Research Institute the full amount of compensation received excluding mileage, travelling and meal allowances and an official receipt thereof.

In addition to the foregoing, where an employee is required by subpoena to attend a Court of Law or Coroner's inquest, in connection with a case arising from the employee's duties at the Research Institute on his/her regularly scheduled day off or during his/her regularly scheduled vacation, the Research Institute will attempt to reschedule the employee's regular day off or vacation period. It is understood that any rescheduling shall not result in the payment of any premium pay.

3.4 Personal Leave

An employee may submit a written request for a personal leave of absence without pay. An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with documentation stating why a personal leave is being requested. Such requests are to be submitted to the employee's Supervisor/Principal Investigator as far in advance as possible and a written reply will be given within fourteen (14) days; except in cases of emergency in which case a reply will be given as soon as possible. Such leave shall not be unreasonably withheld.

3.5 Medical Leave

An employee may request a medical leave without pay. An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with a medical note from a qualified health practitioner providing proof that a medical leave is necessary. The employee is responsible for obtaining and paying the costs (if any) of obtaining the medical note. If the employee cannot obtain a medical note from a qualified health practitioner, the employee will not be entitled to the leave.

3.6 Family Medical Leave

All full-time and part-time employees who are covered by the Employment Standards Act are entitled to Family Medical Leave. Family Medical Leave is an UNPAID, job-protected leave of up to 8 weeks in a 26 week period.

Family Medical Leave may be taken to provide care and support to a specified family member for whom a qualified health practitioner has issued a certificate indicating that the family member has a serious medical condition and there is significant risk of death occurring within a period of 26 weeks.

The "specified family members" for whom a Family Medical Leave may be taken are:

- The employee's spouse (including same-sex spouse);
- 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;
- Brother or sister of the employee;
- Grandparent of the employee or of the employee's spouse;
- Grandchild of the employee or of the employee's spouse;
- Father-in-law or mother-in-law of the employee;
- Brother-in-law or sister-in-law of the employee;
- Son-in-law or daughter-in-law of the employee or of the employee's spouse;
- Uncle or aunt of the employee or of the employee's spouse;
- Nephew or niece of the employee or of the employee's spouse;
- Spouse of the employee's grandchild, uncle, aunt, nephew or niece;
- Foster parent of the employee's spouse; and
- A person who considers the employee to be like a family member.

The 8 weeks of a Family Medical Leave do not have to be taken consecutively but an employee must take the leave in periods of entire weeks. "Week" is defined as a period of seven consecutive days beginning on a Sunday and ending on a Saturday.

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An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with a copy of the certificate of the qualified health practitioner to provide proof that he/she is eligible for the Family Medical Leave. The certificate must state that the family member has a serious medical condition with a significant risk of death occurring within a specified 26-week period. The employee is responsible for obtaining and paying the costs (if any) of obtaining the certificate. If the employee cannot obtain a certificate from a qualified health practitioner, the employee will not be entitled to the leave and will not have job protection if she/he does not report for work.

If two or more employees qualify for a Family Medical Leave to provide care and support to a specific family member, the eight weeks of leave must be shared between the employees.

Any employee who is on Family Medical Leave shall continue to accumulate seniority and service. The employee and the Research Institute must continue to pay their respective shares of the benefits and pension premiums.

If an employee has taken a leave to care for a family member who has not passed away within the 26 week period referred to in the medical certificate and a health practitioner issues a subsequent certificate(s) stating that the family member has a serious medical condition with a significant risk of death within 26 weeks, the employee would submit to his/her Supervisor/Principal Investigator a completed leave of absence form along with the medical certificate to request an additional 8 week Family Medical Leave(s).

3.7 Family Caregiver Leave

All full-time and part-time employees who are covered by the Employment Standards Act are entitled to Family Caregiver Leave. Family Caregiver Leave is an UNPAID, job-protected leave of up to 8 weeks for each individual described below in each calendar year.

The listed individuals are:

- The employee's spouse (including same-sex 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, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse;
- The spouse of a child of the employee;
- The employee's brother or sister;
- A relative of the employee who is dependent on the employee for care or assistance;
- Any individual prescribed as a family member for the purpose of this section.

Family Caregiver Leave may be taken without pay to provide care or support to an individual described above if a qualified health practitioner issues a certificate stating that the individual has a serious medical condition.

Any employee who is on Family Caregiver Leave shall continue to accumulate seniority and service. The employee and the Research Institute must continue to pay their respective shares of the benefits and pension premiums.

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An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with a copy of the certificate of the qualified health practitioner to provide proof that he/she is eligible for the Family Caregiver Leave. The certificate must state that the family member has a serious medical condition. The employee is responsible for obtaining and paying the costs (if any) of obtaining the certificate. If the employee cannot obtain a certificate from a qualified health practitioner, the employee will not be entitled to the leave and will not have job protection if she/he does not report for work.

3.8 Critically Ill Child Care Leave

As set out in the Employment Standards Act, an employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay to provide care or support to a critically ill child of the employee if a qualified health practitioner issues a certificate that:

- States that the child is a critically ill child who requires the care or support of one or more parents; and
- Sets out the period during which the child requires the care or support.

An employee is entitled to take up to 37 weeks leave under this section to provide care or support to a critically ill child of the employee. If the certificate sets out a period of less than 37 weeks, the employee is entitled to take a leave only for the number of weeks in the period specified in the certificate.

Any employee who is on Critically Ill Child Care Leave shall continue to accumulate seniority and service. The employee and the Research Institute must continue to pay their respective shares of the benefits and pension premiums.

An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with a copy of the certificate of the qualified health practitioner to provide proof that he/she is eligible for the Critically Ill Child Care Leave. The employee is responsible for obtaining and paying the costs (if any) of obtaining the certificate. If the employee cannot obtain a certificate from a qualified health practitioner, the employee will not be entitled to the leave and will not have job protection if he/she does not report for work.

3.9 Crime Related Child Death or Disappearance Leave

As set out in the Employment Standards Act, an employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.

An employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances that the child disappeared as a result of a crime.

An employee is not entitled to a leave of absence under this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

If an employee takes a leave of absence under this section and the circumstances that made it probable that the child of the employee died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a crime, the employee's entitlement to leave ends on the day on which it no longer seems probable.

If the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled to:

- Remain on leave for 14 days after the day the child is found, if the child is found alive; or
- Take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.

Any employee who is on Crime Related Child Death or Disappearance Leave shall continue to accumulate seniority and service. The employee and the Research Institute must continue to pay their respective shares of the benefits and pension premiums.

An employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form to request a Crime Related Child Death or Disappearance Leave and shall provide evidence reasonable in the circumstances of the employee's entitlement to the leave.

3.10 Bereavement Leave

Please refer to Policy #070-RSJ-H Bereavement Leave, for details.

3.11 Emergency Leave

The Employment Standards Act provides employees of employers who regularly employ 50 or more employees with 10 days of unpaid job-protected leave of absence each calendar year, which may be taken for three situations:

- Personal illness, injury or medical emergency of the employee;
- Death, illness, injury or medical emergency of a listed family member; or;
- An urgent matter concerning a listed family member.

The listed family members are:

- The employee's spouse or same sex partner;
- A step, foster or biological parent of either the employee, employee's spouse or same sex partner;
- A step, foster or biological child of either the employee, employee's spouse or same sex partner;
- A step or regular grandparent of either the employee, employee's spouse or same sex partner;
- A step or regular grandchild of either the employee, employee's spouse or same sex partner;
- The spouse or same sex partner of a child of the employee;
- The employee's brother or sister; and;
- Any relative of the employee who is dependent on the employee for care or assistance.

The 10 days of emergency leave do not have to be taken consecutively. If an employee takes any part of a day as an employee leave, the Research Institute may deem the employee to have taken one day's leave on that day.

Employees earn seniority and credit for service and length of employment while on emergency leave.

An employee who wishes to take the leave must advise the employer that he/she will be doing so. Where the employee must begin the leave before advising the employer, the employee must advise the employer as soon as possible after the leave begins.

The Research Institute may require an employee to provide proof that he/she is eligible for an emergency leave of absence. The employee must submit the certificate to his/her Supervisor/Principal Investigator.

3.12 Military Leave

An employee may be granted an unpaid military leave without loss of service for the purpose of fulfilling his/her minimum training requirements to maintain his/her status in the Canadian Forces Reserve. Such leave shall not exceed two (2) weeks per calendar year. The employee must submit to his/her Supervisor/Principal Investigator a completed Leave of Absence Form along with documentation supporting military obligations. Such requests are to be submitted as far in advance as possible. Requests will be considered on an individual basis by the employee's Supervisor/Principal Investigator.

Any requests for military leaves exceeding two (2) weeks may be considered on an individual basis and if approved, service will continue to accrue for the duration of the leave.

3.13 Pre-Paid Leave

The Pre-Paid Leave Plan is a plan developed to afford employees the opportunity to take a one (1) year leave of absence, funded solely by the employee through the deferral of salary over a defined period, in accordance with Part LXVIII of the Income Tax Regulations, Section 6801 (as may be amended from time to time).

Application - Eligible employees must make written application to the Executive Director, with a copy to the Chief Human Resources Officer, at least three (3) months prior to the intended commencement date of the salary deferral portion of the Pre-Paid Leave Plan. Such application will outline the reason the leave is being requested. Priority will be given to applicants intending to use the leave to pursue formal education related to their profession. The impact of an employee's absence on the operation of the department for the period of one year shall be assessed by the Supervisor/Principal Investigator before giving final approval.

Nature of Final Agreement - Final approval for entry into the pre-paid leave program will be subject to the employee entering into a formal agreement with the Research Institute, authorizing the Research Institute to make the appropriate deductions from the employee's pay. The agreement will also include:

- A statement that the employee is entering the plan;
- The period of salary deferral and the period for which the leave is requested;

- The manner in which the deferred salary is to be held.

The letter of application to enter the plan will be appended to, and form part of, the written agreement.

Deferral Plan - The deferral portion of the plan shall involve an employee spreading four (4) years' salary over a five (5) year period or such other schedule as may be mutually agreed between the employee and the Research Institute. In the case of the four (4) years' salary over five (5) year schedule, during the four (4) years of salary deferral, 20% of the employee's gross annual earnings will be deducted and held for the employee. Such deferred salary will not be accessible to the employee until the year of the leave or upon the collapse of the plan. In the case of another mutually agreed upon deferral schedule, the percentage of salary deferred shall be adjusted appropriately.

Deferred Earnings - The manner in which the deferred salary is held shall be at the discretion of the Research Institute. The employee will be made aware, in advance of having to sign any formal agreement, of the manner of holding such deferred salary.

Interest which is accumulated during each year of the deferral period shall be paid out to the employee in accordance with Part LXVIII of the Income Tax Regulations, Section 6801.

Health and Welfare Benefits - All benefits shall be kept whole during the deferral period of the plan. **Full-Time Employees Only** - Employees will be allowed to participate in health and welfare benefits plans during the year of the leave, but the full cost of such plans will be borne by the employees. Contributions to the Hospitals of Ontario Pension Plan will be in accordance with the Plan.

Notwithstanding the above, employees will not be eligible to participate in the disability income plan during the year of the leave.

Service Full-Time Only - Service for the purposes of vacation and salary progression and other benefits will be retained but will not accumulate during the period of the leave.

Assignment on Return - On return from leave, a participant will be assigned to his/her former position unless it is no longer available. In such a case the employee will be assigned a comparable job, if possible, or the layoff provisions will be applied.

Withdrawal Rights - A participant may withdraw from the plan at any time up to a date three (3) months prior to the commencement of the leave. Deferred salary and accrued interest will be returned to the participant within a reasonable period of time.

On Leaving Employment - If a participant resigns, or is terminated, prior to the commencement of the leave, deferred salary plus interest will be returned to the participant within a reasonable period of time. In the event of the death of a participant, such funds will be paid to the participant's estate.

Replacement Employees – The Research Institute will endeavour to find a temporary replacement for the employee, as far in advance as practicable. If the Research Institute is unable to find a suitable replacement, it may postpone the leave. If, after a period of postponement, a suitable temporary replacement cannot be found, the Research Institute will have the option of considering a further postponement or of collapsing the plan. The employee, subject to such a postponement, will have the option of remaining in the plan and rearranging the leave at a mutually agreeable time, or of withdrawing from the plan.

Plan Year - The year for the purposes of the plan shall be from September 1 of one year, to August 31, of the following year, or such other years as the parties may agree to.

3.14 Educational Leave

Seminars/Conventions- At the discretion of the Supervisor/Principal Investigator, and provided employees so wish, a leave of absence with pay shall be granted to employees to attend seminars and conventions that are beneficial to the Research Institute, and directly related to the employee's work. Such leave shall not exceed one full week (7 days) inclusive of travel time.

Additional leave required in addition to the one full week must be approved by the Executive Director/Vice President.

3.15 Blood Donor Clinics

Employees who attend scheduled blood donor clinics at the Hospital, or who respond to the request by the Red Cross for emergency blood donor needs, or who likewise respond to the request as part of the Apheresis Program, will not lose regular pay because of such attendance. Payment for this purpose will be limited to a maximum of two hours.

4.0 DOCUMENTATION

Standard Leave of Absence Request Form found under forms on MyStJoes or www.stjoes.ca
<http://mystjoes/Forms/Forms/Leave%20of%20Absence%20Request%20Form.pdf>

5.0 REFERENCES

5.1 Internal References

004-HR Orientation Program
014-ADM Parking
019-HR Employment Policies - Regular & Casual Part-time
036-HR Duty to Provide and Support Care
062-RSJ-H Employment Policies - Temporary Staff
070-RSJ-H Bereavement Leave
068-RSJ-H Attendance Support Program

5.2 External References

Employment Standards www.labour.gov.on.ca/english/es/index.php
Service Canada www.servicecanada.gc.ca/eng/
Ontario Human Rights Code <http://www.ohrc.on.ca/en>

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