## PROTECTED LEAVES OF ABSENCE

[Organization Name] recognizes that qualified employees have the right to take job-protected leave without any negative consequences to their employment. As such, [Organization Name] is committed to adhering to the guidelines established by the *Employment Standards Act* with respect to any job-protected leaves.

POLICY

The purpose of this policy is to outline the job-protected leaves employees have a right to take under the ESA so that:

* Employees know their rights, and
* [Organization Name] manages employee leave in a fair and consistent manner.

[Organization Name] will adhere to all regulations covered under the *Employment Standards Act* of New Brunswick.

1. Maternity Leave
2. Child Care Leave
3. COVID-19 Emergency Leave
4. Personal and Family Responsibility Leave
5. Compassionate Care Leave
6. Bereavement Leave
7. Sick Leave
8. Court Leave
9. Reservist Leave
10. Death or Disappearance of a Child Leave
11. Critically Ill Child Leave
12. Critically Ill Adult Leave
13. Domestic Violence, Intimate Partner Violence, Or Sexual Violence Leave
14. Voting Leave

POLICY

The purpose of this policy is to outline the job-protected leaves employees have a right to take under the *Employment Standards Act* so that: 

* Employees know their rights; and
* [Organization Name] manages employee leave in a fair and consistent manner.

[Organization Name] will consult the *Employment Standards Act* when an employee requests a job-protected leave and adhere to all rules and regulations covered under the Act.

Employee Rights during a Leave

Employees have the right to continue to participate in the company benefits plans during their job-protected leave of absence. This includes programs such as: pension plan, life insurance, extended health care, and dental. If an employee wishes to opt out of their participation in these company-provided benefits, they must provide their request via written notice.

[Organization Name] will continue to pay its portion of the employee benefits contribution to an employee’s benefit plan, unless the employee has provided written notice that they would like to opt out during the leave period.

Employees will continue to accrue seniority while on a job-protected leave.

1. Maternity Leave

Pregnant employees are entitled to unpaid maternity leave. This leave consists of up to 17 weeks of unpaid leave and must begin no earlier than 13 weeks ahead of the projected due date. Employees must provide notice of four months prior to the expected delivery date, or as soon as the pregnancy is confirmed (whichever is later). Pregnant employees must provide two weeks’ notice of the need to begin the leave.

Pregnant employees must also provide their employer with a medical note or doctor’s certificate confirming pregnancy and the expected due date.

1. Child Care Leave

All parents, whether they are the adoptive or natural parents, are entitled to child care leave. This leave consists of up to 62 consecutive weeks of unpaid leave. Note: either parent is entitled to take this leave and it can be shared, but the total must not exceed 62 weeks. Note 2: if the maternity leave and child care leave are taken by the same person, they are to be taken consecutively. The maximum duration for the two leaves is 78 weeks.

The leave can only begin once the child comes into the care and control of the employee (whether it’s a newborn or adopted child).

Employees are to provide notice of the leave in the following forms:

* For natural parents:
  + Provide a medical note certifying the date of delivery (as predicted)
  + Give four weeks written notice of the expected start of the leave and how many weeks it will last
* For adoptive parents:
  + An adoptive parent would need to provide proof of the upcoming adoption
  + They would also need to provide four months notice before the date the child will likely come into their care and control (unless an emergency occurs)

1. Covid-19 Emergency Leave

Employees who are under individual medical investigation or treatment which relates to Covid-19 are entitled to this unpaid leave. This includes an employee who is under a public health order or is in quarantine or isolation. Other circumstances permitting the use of this leave include the need to provide care or support to a family member because of Covid-19 (including childcare).

Employees are required to provide as much written notice as possible for the need for this leave, including the start and projected end dates.

For additional guidance, the organization will consult the New Brunswick *Employment Standards Act*.

1. Personal and Family Responsibility Leave

This leave provides time off for employees to support the health, care, or education needs of a person in a close familial relationship to them. The length of this leave is up to three unpaid days per calendar year.

1. Compassionate Care Leave

This leave provides all employees (no matter their length of service) with unpaid leave of up to 28 weeks so that they can care for a close family member (or a close family relationship) who is critically ill and has a significant risk of dying. Employees are to provide a written note from a certified medical practitioner that outlines the need for the leave.

This leave may be broken up, but the periods must be at least one week in length. This leave may be shared between people but must not exceed 28 weeks. Should the close family member pass away, the entitlement to this leave ends and the employee may instead use their bereavement leave entitlements.

1. Bereavement Leave

Should a person who is in a close family relationship with an employee pass away, the employee has the right to take up to 5 unpaid job-protected days off work. This leave must begin at the latest on the day of the funeral.

1. Sick Leave

Once an employee has been with the organization at least 90 days, they are entitled to unpaid sick leave of up to 5 days during each 12-month calendar year. Once an employee has been off for 4 or more consecutive days, the organization may require the employee to produce a medical certificate certifying the need for the absence.

1. Court Leave

An employee who is summoned or selected for jury leave or as a witness has the right to job-protected unpaid leave for the duration of the court proceedings.

1. Reservist Leave

Employees who are members of any class of the Canadian Forces have the right to an unpaid absence from work to perform required military duties.

For all specifics, the organization will consult the New Brunswick *Employment Standards Act*.

1. Death or Disappearance of a Child Leave

An employee who has a child under 18 years of age who died because of a crime (or it is probable that it was because of a crime) is entitled to unpaid leave of up to 37 weeks.

An employee who has a child who has disappeared as the probable result of a crime is entitled to unpaid leave of up to 37 weeks.

* If the child is found alive during the leave, the employee is to return 14 days after the child is found.
* If the child is found dead or dies because of the disappearance, the employee may take up to 37 weeks of unpaid leave from the date this was known.

Note: if both parents are employed with the organization, they are both entitled to the leave.

Employees are to provide written notice of their intention to take the leave as soon as possible. If known, start and end dates should be provided. Employees may end the leave early by providing written notice.

An employee’s eligibility for the leave ends if they are charged with the crime.

1. Critically Ill Child Leave

An employee who has a critically ill child under 18 years of age is entitled to an unpaid leave of up to 37 weeks to provide care and support. This applies to the parents or other family members of the child. When both parents are employed by the organization, the leave may be shared or taken by one parent but may not exceed 37 weeks.

Employees are to provide as much written notice as possible, including the start and end dates of the leave. The leave ends on the last day of the week in which the child passes away or after 37 weeks, whichever is sooner.

1. Critically Ill Adult Leave

Employees are entitled to an unpaid leave of up to 16 weeks to provide care and support for a family member above 18 years of age who is critically ill. It can be a parent or other family member. When both parents are employed by the organization, the leave may be shared or taken by one parent but may not exceed 16 weeks.

Employees are to provide as much written notice as possible, including the start and end dates of the leave and a doctor’s certificate. The leave ends on the last day of the week in which the child passes away or after 16 weeks, whichever is sooner.

1. Domestic Violence, Intimate Partner Violence, Or Sexual Violence Leave

The organization will grant leave of up to 10 days (which the employee may take as one period or in different periods) and up to 16 weeks of leave in one continuous period. Note: the first five days of this leave are paid only. If the employee’s earnings vary, the amount the employee is to be paid is an average of their daily earnings in the 30 days before the leave.

This leave is granted to employees who have been with the organization at least 90 days. For specifics on the need for the leave, including confidentiality, the organization will refer to the New Brunswick *Employment Standards Act*.

1. Voting Leave

Eligible employees are entitled to take three (3) hours off to vote during work hours during federal and provincial elections. The leave will be applicable where an employee’s hours of work prevent them from having three consecutive hours to vote. The hours will be paid. Note that voting is open for 12 hours.