

longer exists, in a comparable position, with not less than the same wages and benefits the employee would have received if the employee had not been granted the unpaid leave of absence.

**Provision of reasonable documentation**

- (10) Where an employer makes a request, in writing, to an employee who has taken unpaid leave of absence under this section, the employee shall provide to the employer reasonable documentation in the circumstances to support the employee's entitlement to unpaid leave of absence under this section. *2015, c.26, s.2.*

## SICK LEAVE

### 22.2 Sick leave

- (1) Where an employee has been employed by an employer for a continuous period of at least three months, the employer shall, at the request of the employee, grant the employee leaves of absence without pay of up to three days, in total, during a twelve calendar-month period for sick leave.

**Medical certificate**

- (2) Where an employee requests a leave of absence under subsection (1) that is three consecutive calendar days in length, the employer may require the employee to provide the employer with a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury.

**Details of leave to employer**

- (3) An employee requesting leave under subsection (1) shall advise the employer, subject to subsections (1) and (2), of the anticipated duration of the leave.

**Paid day of sick leave**

- (4) Where an employee has been employed by the same employer for a continuous period of at least five years, the employer shall, at the request of the employee, grant the employee one day of paid sick leave during a twelve calendar-month period in addition to any unpaid leave that the employee is entitled to under subsection (1).

**Idem**

- (5) Where an employee is entitled to one day of paid sick leave pursuant to subsection (4), the employer shall pay the employee for the day of the leave at the employee's regular rate of pay for a day of work. *2003, c.35, s.3; 2009, c.5, s.28; 2018, c.43, s.3.*

## COMPASSIONATE CARE LEAVE

### 22.3 Definitions

- (1) In this section,
- (a) "family member" means, in respect of an employee,
- (i) a member of the immediate family of the employee,
  - (ii) a member of the extended family of the employee,
  - (iii) a niece, nephew, foster parent, ward or guardian of the employee,

- (iv) any person who the employee considers to be like a person described in subclause (i), (ii) or (iii), and
- (v) any other person who is a member of a class of persons that are prescribed to be family members by the regulations for the purposes of this section;
- (b) “**medical practitioner**” means a person who is entitled to practice medicine under the laws of the jurisdiction or jurisdictions where the care or treatment of a family member is provided.

**Entitlement to unpaid leave**

- (2) Every employer shall grant an unpaid leave of absence of up to 28 weeks to an employee for the purpose of providing care and support to a family member of the employee if the employee provides the employer, before or after taking the unpaid leave of absence, with a copy of a certificate issued by a medical practitioner stating that a family member of the employee has a serious medical condition carrying with it a significant risk of death within 26 weeks.

**Computation of time of leave**

- (3) An employee may only take an unpaid leave of absence under this section between the times specified in subsections (4) and (5).

**Commencement of unpaid leave of absence**

- (4) An unpaid leave of absence taken under this section commences
  - (a) the first day of the work week for which the certificate was issued; or
  - (b) where the unpaid leave of absence was commenced before the certificate was issued, the first day of the work week in which the leave was commenced.

**End of unpaid leave of absence**

- (5) An unpaid leave of absence taken under this section ends
  - (a) on the last day of the work week in which the employee’s family member dies; or
  - (b) immediately after the expiration of 28 work weeks following the first day of the work week as determined under subsection (4).

**Minimum period of absence**

- (6) An unpaid leave of absence taken under this section may only be taken in periods of not less than one work week’s duration.

**Total amount of leave**

- (7) The total amount of unpaid leave of absence that may be taken by two or more employees under this section in respect of the care or support of the same family member shall not exceed 28 weeks.

**Copy of certificate**

- (8) Where requested in writing by the employer within 15 days after an employee’s return to work, the employee shall provide the employer with a copy of the certificate referred to in subsection (2). *2003, c.4, s.1; 2008, c.8, s.8(2); 2009, c.5, s.29; 2018, c.43, s.4.*

