



A Guide for Employers on

Bereavement Leave

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Managing bereavement leave

This employer guide explores the basics of bereavement leave to help you avoid common pitfalls. How do you manage absence in the workplace? Have you prepared or updated your leave policy?

Whether your organization is big or small, a long-established firm or a new start-up, managing leaves of absence in the workplace helps support your business growth and strong organizational culture.

Ontario's labour laws regarding employee management have changed since Bill 47 reversed many of the laws that Bill 148 enforced in 2018. It is important to understand what rights your employees have and how to establish an appropriate bereavement leave policy that reflects your business practices.

How can you manage absence in relation to employee job satisfaction and morale? Get to know the laws around bereavement leave. Use this resource guide to gain a better understanding of Ontario's labour laws for statutory leave entitlement and adopt our HR best practices for your business.

As an employer in Ontario, you must provide up to two full days of unpaid, job-protected bereavement leave per calendar year to each employee.

Understanding bereavement leave

All employees - regardless of the size of the business they work for and whether they work full-time or part-time hours - are entitled to two days bereavement leave every calendar year. Bereavement leave can be taken because of the death a family member.

There is no pro-rating of bereavement leave. Whenever an employee begins work, they are entitled to two days of leave for the remainder of the year. The Employment Standards Act (ESA) states that all bereavement leave is unpaid.

Employees must inform their employer before starting bereavement leave or as soon as possible after starting it, although this does not have to be in writing. They do not lose their right to bereavement leave, however, if they fail to provide notice.

What family members are covered by bereavement leave?

Employers commonly ask what family members are covered by bereavement leave. An employee can take bereavement leave for immediate family members, such as:

- A spouse
- A parent, step-parent, or foster parent of the employee or employee's spouse
- A child, step-child, or foster child of the employee or employee's spouse

- A grandparent, step-grandparent, or foster grandparent of the employee or employee's spouse
- A spouse of the employee's child
- The employee's brother or sister
- A relative who is dependent on the employee for care or assistance

Evidence and bereavement leave

Another area of concern is evidence of entitlement to bereavement leave. An employer can ask an employee to provide evidence of a death in the family if it is reasonable to do so. This might include some documentary information if it relates to a family member who relied on the employee for care and assistance.

Designating absences as bereavement leave

Where an employee is entitled to bereavement leave under the ESA, the employee (rather than the employer) decides whether to designate an absence as bereavement leave.

An employee may be entitled to bereavement leave, but decide not to claim the absence as a bereavement leave day. In this case, he or she decides simply not to exercise their leave entitlements.

What if the employee fails to notify the employer?

If an employee fails to notify their employer of their bereavement leave, they do not lose their right to take it. The ESA specifically allows for situations where the employee may not be able to notify the employer in advance, especially in the case of a traumatic and sudden death of a family member.

An employer may choose to discipline an employee who failed to give notice when they were able to do so, but must take care to ensure that it is clearly linked to

the failure to give notice, and not a penalization for the employee taking leave.

Do you have a bereavement leave policy in place?

Managing bereavement leave starts with proper workplace policies. Establishing a bereavement leave policy is key to effective absence management. You can set these expectations in your employment agreement or employee handbook.

To prepare an effective bereavement leave policy, consider these five HR best practices:

- Review the Employment Standards Act to ensure you meet the minimum requirements of the current laws (they changed twice between 2018 and 2019 alone)
- Be transparent about time off and if pay is provided during a bereavement leave absence
- Outline arrangements and procedures for recording absences
- Determine the procedure for short-term and long-term disability
- Include information on support and assistance for those who were off for bereavement leave and are returning to work

Managing bereavement leave

As an employer, it is important to know your obligations under the Employment Standards Act to operate your business with confidence.

Knowing you are taking the right steps when staff request bereavement leave will make a significant difference in the workplace. For example, your employees have the right to take up to two days off for bereavement leave per calendar year, but they are all unpaid.

Are you noticing an increase in employee absences? It is always a good idea to check in with them. You should also make sure your employee handbook is up to date with new policies and procedures as labour laws continue to change.

Learn more

If you have questions about the Ministry of Labour or the Employment Standards Act, call Peninsula today. We are dedicated to providing small business owners with HR support.

1|(833)|247|3652

We've got you covered.

Employer FAQs

What are employers asking about bereavement leave?

1. What is the definition of bereavement leave?

Bereavement leave is job-protected leave that gives employees the right to take time off because of the death of a family member.

2. How many bereavement leave days can an employee take?

Employees are entitled to two days of unpaid bereavement leave.

3. Do employers pay for bereavement leave?

No, all bereavement leave days are unpaid.

4. Can an employee take bereavement leave in part days?

No, leave must be taken in complete days.

5. Can an employee take bereavement leave for someone who is not an immediate family member?

Yes, but only if they are a relative who is dependent on the employee for care or assistance.

6. If an employee starts working part way through the year, how many bereavement days do they get?

All employees are entitled to the full two days of bereavement leave in a calendar year, regardless of when they began working.

7. Do employees need to request bereavement leave from their employer?

Yes. Employees must tell their employers if they are taking bereavement leave before or right after they start; however, this does not need to be in writing.

8. Can employers ask for proof of bereavement leave?

Yes. Employers can ask for evidence of the bereavement if the circumstances are reasonable, including some documentary information if it relates to a family member who relied on the employee for care and assistance.