



A Guide for Employers

Critical Illness Leave

Alberta

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PENINSULA

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Managing Critical Leave

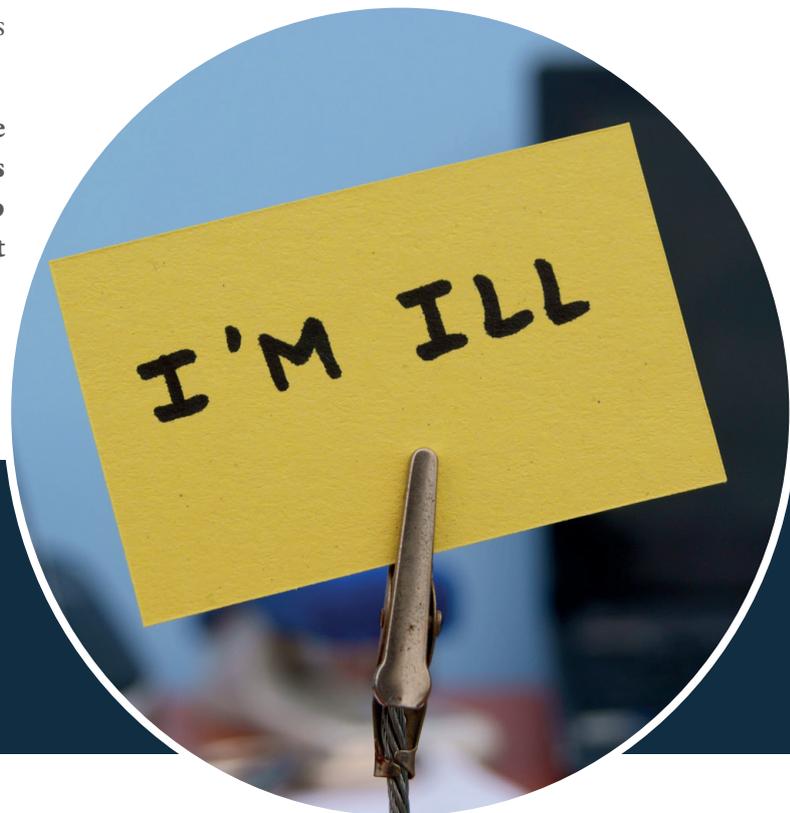
This employer guide explores the basics of Critical Illness Leave to help you avoid common pitfalls and answer general questions, such as:

- How do you manage absence in the workplace?
- Have you prepared or updated your leave policy?

Use this resource guide to gain an understanding of Alberta's labour laws on job-protected leave and apply our HR best practices to your business.

As of January 1st, 2018, Alberta's labour laws on employee management changed to include a new job-protected leave called Critical Illness Leave. It is important to understand your employees rights, pertaining to this leave, and establish a Critical Illness Leave policy, reflecting your business practices.

As an employer in Alberta, you must provide employees an unpaid, job-protected Critical Illness Leave of up to 36 weeks to look after a child and up to 16 weeks per calendar year to look after an adult family member.



Understanding Critical Illness 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 Critical Illness Leave every calendar year, provided they have been employed for 90 days.

Critical Illness Leave enables employees to care for a critically ill child or adult family member. In these scenarios, employees must give their employer two weeks written notice or as soon as possible after starting leave. It is important to note, failure to provide notice does not withdraw the employee's right to take leave.

If the workplace employs more than one family member of the critically ill person, the employer is only obligated to grant leave to one family member at a time.

Evidence for Critical Illness Leave

An area of concern may be obtaining proof of entitlement for Critical Illness Leave.

An employee must provide medical evidence such as a certificate or letter from a medical professional. This letter must confirm that the employee requires leave and state its estimated duration. The certificate or document does not need to specify the nature of the illness, only that the employee requires the leave.

What if the employee fails to notify the employer?

As mentioned above, if an employee fails to notify their employer of their Critical Illness Leave, they do not lose their right to take it. The ESC 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 event.

An employer may choose to discipline an employee who failed to give notice when they were able to do so. However, they must make it clear that the penalization is for failing to give notice, not for the employee taking leave.

The employee should also provide one week's notice of the date they intend to return to work. If they do not intend to return it can be two weeks notice. This notice should be in writing.

What family members are covered by Critical Illness Leave?

An employee can take Critical Illness Leave for family members, which include:

- A spouse, partner, adult interdependent or common-law partner
- A sibling, half-sibling or step-sibling
- A parent, foster parent or guardian
- A child, foster child, wards and partner's children
- A grandparent and step-grandparent
- A grandchild and step-grandchildren and their partner
- Aunts, uncles, step-aunts, step-uncles and their partner
- Nieces, nephews and their partner
- A person the employee isn't related to but considers to be like a close relative

Do you have a Critical Illness Leave policy in place?

Managing Critical Illness Leave starts with proper workplace policies. These are key to effective absence management. You can set your expectations in the employment agreement or employee handbook.

To prepare an effective Critical Illness Leave policy, consider these five HR best practices:

1. Review the Employment Standards Code to ensure you meet the minimum requirements of the current laws.
2. Be transparent about time off and whether pay is provided during a Critical Illness Leave absence.
3. Outline arrangements and procedures for recording absences.
4. Determine the procedure for requesting extended leave.
5. Include information on support and assistance for those who were off for Critical Illness Leave and are returning to work.

Managing Critical Illness Leave

As an employer, it is important to know your obligations under the Employment Standards Code.

Knowing the right steps to take when members of staff request Critical Illness Leave will make a difference in your workplace. For example, did you know that this leave is unpaid?

If you are noticing an increase in employee absences, it is always a good idea to check-in with them. You should also ensure your employee handbook is up-to-date with new policies and procedures as labour laws continue to change.

Employer FAQs

What are employers asking about Critical Illness leave?

1. What is the definition of Critical Illness Leave?

Critical Illness Leave is job-protected leave that gives employees the right to take time off for an employee to care for a critically ill child of adult family member.

2. How much time can an employee take for Critical Illness Leave?

Employees are entitled to 36 weeks of job-protected Critical Illness Leave per calendar year to look after a critically ill child and up to 16 weeks job-protected leave to look after a critically ill adult family member.

3. Do employers pay for Critical Illness Leave?

No, the leave is unpaid.

4. Can an employee take Critical Illness Leave in part days or weeks?

Yes, the purpose of the leave is intended to allow an employee an extended period of time off.

5. Can an employee take Critical Illness Leave for someone who is not a family member?

No, the Code only requires employers to provide the leave for specific family members.

6. If an employee starts working part way through the year, how much Critical Illness Leave do they get?

All employees are entitled to 36 weeks leave job-protected Critical Illness Leave per calendar year to look after a critically ill child and up to 16 weeks job-protected leave, provided they have worked for you for 90 days or more. However, if they don't, they do not lose their right to take it.



7. Do employees need to request Critical Illness Leave from their employer?

Yes. Employees must tell their employers if they are taking Critical Illness Leave before or right after they start the leave by provided a medical certificate. However, if they don't, they do not lose their right to take it.

8. Can employers require proof for Critical Illness Leave?

Yes. It is requirement under the ESC that the employee provides a medical certificate confirming the duration of the leave.

Learn More

If you have questions about the Ministry of Labour or the Employment Standards Code, call Peninsula today. We provide small business owners with HR support.

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