



A Guide for Employers:

General Overview of BC Leaves of Absence

Accommodating Employees in the Workplace

BC

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General Overview of BC Leaves of Absence – Accommodating Employees in the Workplace



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Peninsula is an employer resource for HR and employment law, offering guidance to small and medium-sized businesses. For over three decades, we have supported over 50,000 businesses worldwide, across every sector and industry. Our clients benefit from immediate access to unlimited 24/7 employment advice, legal expenses insurance, on-site HR audits, a suite of employer documents and templates, online employee management tools, and legislation updates, all of which are custom-tailored to each business. Simply put, Peninsula is an affordable alternative solution to an in-house human resources team. We're here to help you, anytime. For more information, visit www.peninsulagrouplimited.com/ca

Introduction

This employer guide provides a high-level overview of the leaves available to employees in British Columbia, under the Employment Standards Act (ESA). Regardless of whether your company is a long-established firm or a start-up, it is essential that employers understand the leaves that employees have access to and the circumstances under which each leave can be taken.

As an employer, this guide will help you in gaining a better understanding of British Columbia's employment legislation surrounding leaves in the workplace and will also provide our HR best practices for your business.

Understanding Your Employer Responsibilities on Leaves in the Workplace

It is important for employers to understand that British Columbia's Employment standards Act gives them responsibilities on leaves of absence in the workplace.

During the Leave

If an employee takes a leave protected by the Employment Standards Act, their employment is considered continuous:

- The employee continues to receive wage or benefit increases they would typically receive.
- Employers continue to pay into benefit plans—unless

Upon Returning to Work

At the end of a leave an employee can return to their job or a similar position. The employer must contact the employee to coordinate the individual's return to work.

An employer cannot terminate an employee or change the conditions of their job without the written agreement of the employee. If the job no longer exists and there is no similar role, the employee returning to work can be laid off; however, they must be given compensation for length of service (based on the last day of employment).

Leaves of Absence in British Columbia

The following are the leaves of absence that employees have access to in British Columbia. An employee does not need to work for a certain amount of time to take a leave of absence.

Maternity and Parental Leave

Pregnant employees are entitled to up to 17 consecutive weeks of unpaid maternity leave. Employers have the right to request a note, from a doctor or nurse practitioner, stating the expected birth date.

Family Responsibility Leave

An employee is entitled to take up to five days of unpaid leave each employment year, for the care, health or education of a child in their care—under the age of 19. If necessary, employees can ask to take this leave to care for other members of their immediate family. Employees cannot accumulate family responsibility leave from year to year.

Compassionate Care Leave

Employees can take up to 27 weeks of compassionate care leave within a 52-week period to provide care for a family member who is terminally ill.

A family member is classified as someone who is:

In relation to the employee:

- The employee's spouse, child, parent, sibling, grandchild or parent
- Any person who lives with the employee as a member of their family
- Anyone the employee considers to be a part of their family, regardless of blood, adoption, marriage or common-law partnership.

In relation to the employee's spouse:

- The spouse's child, parent or step-parent, sibling or step-sibling
- The spouse's grandparent, grandchild, aunt or

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uncle, niece or nephew

- The spouse's current or former foster parent, or ward

Bereavement Leave

If a family member dies, employees in BC have access to three days of unpaid leave. When taking bereavement leave, the employee does not have to take the days consecutively.

Critical Illness or Injury Leave

This leave is for employees with a family member suffering from a significant decline in health, due to an illness or injury. In this instance, the employee can take as much as 36 weeks to care for a child and up to 16 weeks to care for a family member over the age of 19.

Leave Respecting the Disappearance of a Child

Should an employee's child disappear, as the result of a crime, an employee has 52 weeks of leave available. The employee can take this leave in different units of time with the consent of their employer.

Leave Respecting the Death of a Child

Employees are entitled to 104 weeks of leave if their child dies. The employee can start the leave on the date of the child's death and the leave ends after the 104 weeks has been taken.

With the employer's consent, the employee can break down the leave into different segments of time; opposed to taking it all at once.

Leave Respecting Domestic or Sexual Violence

If an employee be dealing with a situation related to domestic or sexual violence, they are entitled to 10 days per calendar year. Should the situation require

additional time, the employee can make that request from their employer.

Jury Duty Leave

If an employee needs to attend court as a juror, they can take an unpaid jury duty leave.

Reservists' Leave

If an employee is also a reservist for the Canadian Forces, they are entitled to 20 days of unpaid leave per calendar year, for the reasons below:

- To be deployed to a Canadian Forces operation outside Canada
- To participate in pre- or post-deployment training activities
- To be deployed to assist in an emergency or its aftermath in Canada

Employer FAQs

What are employers asking about leaves in British Columbia?

1. What is a leave of absence?

A leave of absence is time off work that has been approved by the employee's employer or manager.

2. If an employee is having a baby, what steps must they take to receive maternity leave?

An employee must submit a written request to their employer at least four weeks prior to the maternity leave. With this leave, the employer has the right to request a doctor's note stating the expected birth date, actual birth date, or other reasons for the leave.

3. What if an employee does not return to work, from a leave?

If an employee fails to return to work, without requesting an extension of the leave is cause for termination. As an employer, if the employee refuses to return to work they can be 'let go'.

4. What if I have exhausted my sick time, extended sick time and paid time off (PTO)?

If employees have exhausted their time off and still are medically unable to work, they can request a Medical Leave of Absence.

Learn More

If you have questions about best practices for accommodations in the workplace, our HR experts can answer your questions. Learn more about your employer obligations today, by calling:

1 (833) 247-3652

We've got you covered.

Schedule A Callback

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