

# The Law of Compassionate Care Leave in Canada – June 2014

Addendum to “Compassionate Care: A New Basis for Temporary Unpaid Leave from Work”, by Peter Bowal and Preet Saini,  
 LawNow, 38(6), July/Aug 2014  
 p.1

<b>JURISDICTION</b>	<b>COMPASSIONATE LEAVE</b>
<b>FEDERAL</b>	<p><i>Canada Labour Code</i> – section 206.3</p> <p>Leave: up to 8 weeks within a 26-week period</p> <p>Paid? No*</p> <p>Work time before eligible: N/A</p>
<b>BRITISH COLUMBIA</b>	<p><i>Employment Standards Act</i> - section 52.1</p> <p>Leave: up to 8 weeks within a 26-week period</p> <p>Paid? No</p> <p>Work time before eligible: N/A</p>
<b>ALBERTA</b>	<p><i>Employment Standards Code</i>- section 53.9</p> <p>Leave: up to 8 weeks within a 26-week period</p> <p>Paid? No</p> <p>Work time before eligible: 52 consecutive weeks</p>
<b>SASKATCHEWAN</b>	<p><i>Employment Act</i> – section 2-56</p> <p>Leave: up to 8 weeks within a 26-week period, can take up to 2 times in a 52-week period. Employees with a critically ill child can take up to 37 weeks and up to 104 weeks if the child has died or disappeared as a result of crime.</p> <p>Paid? No</p> <p>Work time before eligible: N/A</p>

# The Law Of Compassionate Care Leave In Canada – June 2014

Addendum to “Compassionate Care: A New Basis for Temporary Unpaid Leave from Work”, by Peter Bowal and Preet Saini,  
LawNow, 38(6), July/Aug 2014

p.2

<b>JURISDICTION</b>	<b>COMPASSIONATE LEAVE</b>
<b>MANITOBA</b>	<i>Employment Standards Code</i> – section 59.2  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: 30 days
<b>ONTARIO</b>	<i>Employment Standards Act</i> – section 49.1  Leave: up to 8 weeks within a 26-week period, renewable every 26 weeks with certificate  Paid? No  Work time before eligible: N/A
<b>QUEBEC</b>	<i>Act Respecting Labour Standards</i> – section 79.8  Leave: up to 12 weeks within a 12-month period. For a seriously ill minor child, or a minor child seriously injured or killed because of a crime - up to 104 weeks. For a minor child disappearing or committing suicide - up to 52 weeks.  Paid? No  Work time before eligible: 3 consecutive months
<b>NEWFOUNDLAND</b>	<i>Labour Standards Act</i> – section 43.14  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: 30 days

# The Law Of Compassionate Care Leave In Canada – June 2014

Addendum to “Compassionate Care: A New Basis for Temporary Unpaid Leave from Work”, By Peter Bowal and Preet Saini,  
LawNow, 38(6), July/Aug 2014

p.3

<b>JURISDICTION</b>	<b>COMPASSIONATE LEAVE</b>
<b>PRINCE EDWARD ISLAND</b>	<i>Employment Standards Act – section 59.2</i>  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: N/A
<b>NOVA SCOTIA</b>	<i>Labour Standards Code – section 60E(2)</i>  Leave: Up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: 3 months
<b>NEW BRUNSWICK</b>	<i>Employment Standards Act – section 44.024</i>  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: N/A
<b>NORTHWEST TERRITORIES</b>	<i>Employment Standards Act – section 30</i>  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: N/A

# The Law Of Compassionate Care Leave In Canada – June 2014

Addendum to “Compassionate Care: A New Basis for Temporary Unpaid Leave from Work”, By Peter Bowal and Preet Saini,  
LawNow, 38(6), July/Aug 2014  
p.4

<b>JURISDICTION</b>	<b>COMPASSIONATE LEAVE</b>
<b>YUKON</b>	<i>Employment Standards Act</i> – section 60.01  Leave: up to 8 weeks within a 26-week period; employee with 6 months of continuous employment and critically ill child – 37 weeks, if disappearance of child related to crime – 52 weeks  Paid? No  Work time before eligible: N/A
<b>NUNAVUT</b>	<i>Labour Standards Act</i> – section 39.1  Leave: up to 8 weeks within a 26-week period  Paid? No  Work time before eligible: N/A

\*All jurisdictions permit compassionate care benefits under the federal *Employment Insurance Act*. This pays up to 6 weeks of E.I. benefits to employees who need to be away from work. There is a 2-week waiting period and 6 weeks of compassionate care leave benefits available. Provincial compassionate care leave varies, so one may be eligible for benefits but not for leave, or *vice-versa*, depending on the legislative prescriptions in the province of residence.