

Policy Title: Leaves

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Approved by:	<input type="checkbox"/> Board <input checked="" type="checkbox"/> President		
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1. POLICY

CMCC provides the following types of leave to support employees with time off from normal duties to attend to personal or professional responsibilities.

1. Bereavement Leave

- a. An employee shall be granted up to a maximum of three paid days in the event of a death of a member of an employee's immediate family for the purpose of arranging and/or attending the funeral.
- b. In the event of a death of other relatives, employees shall be granted a leave of one paid working day to attend the funeral. If attendance at the funeral requires extensive travel, *unpaid* leave of up to two further days may be granted.
- c. In the event of a death of a child under the age of 18 please refer to the *Ontario Employment Standards Act – Child Death Leave* for more details.
- d. In each of the above situations, CMCC reserves the right to request that an employee provide documentation to support their application for leave. This may take the form of a death certificate, a notification from a funeral home, a published obituary, a copy of a printed program from a memorial service, communication from a legal office setting up an appointment to discuss estate matters etc.

An employee who is **not** entitled to CMCC's paid Bereavement leave, is entitled to two unpaid days of legislative bereavement leave due to the death of an immediate family member per calendar year under the *Employment Standards Act, 2000*.

2. Paid Personal Leave Days

- a. Upon completion of three months of continuous employment, a full time or part time employee who is regularly scheduled to work 21 hours per week or more is eligible to request a paid leave of absence of up to three working days per anniversary year. This leave is provided to meet those situations that cannot reasonably be scheduled outside of normal working hours. It will be approved in no less than half day increments, and will not accrue or extend from year to year.
- b. An exception to this eligibility would occur when utilizing the provisions of the applicable legislation (see *Personal Emergency Leave* below). Such time off must be approved by or communicated to the employee's manager.
- c. Any request for paid personal leave days for the purpose of working for another employer or as a result of being incarcerated or being the subject of a criminal or disciplinary proceeding will not be granted.

3. Legislative Personal Emergency Leave (Unpaid)

- a. An employee **not** entitled to CMCC paid Personal leaves and who have been employed for at least two consecutive weeks may request the following **unpaid** legislative leaves each calendar year in accordance with the *Employment Standards Act, 2000*:
 - Sick Leave: three unpaid sick leave days each calendar year for a personal illness, injury or medical emergency. An employee who missed part of a day to take the leave would be entitled to any wages they actually earned while working.
 - Family Responsibility Leave: three unpaid family responsibility leave days each calendar year for the death, illness, injury, medical emergency or an urgent matter concerning an immediate family member (please refer to the definition of immediate family below).
- b. Additional unpaid legislative leaves are detailed in the Employment Standards Act, 2000 (ESA), and are available for employees ineligible for CMCC leave entitlements pending discussion with their manager.
- c. CMCC reserves the right to require an employee who takes this legislative unpaid leave to provide evidence reasonable in the circumstances that the employee is entitled to or is required to take such leave.
- d. For eligible employees, all paid personal leave days outlined in this comprehensive policy, including all other CMCC paid leave entitlements,

provide a greater right or benefit than the legislated unpaid personal emergency leave standards and would, therefore, supersede legislative unpaid leave. As such, **legislated unpaid leaves cannot be used in addition to CMCC paid leave entitlements outlined in this policy and other CMCC paid leave policies.**

- e. New employees requiring time off during their 3-month probationary period, who have worked a minimum of 2 consecutive weeks, will be granted unpaid leave per the Employment Standards Act, but will have these days subtracted from their entitlements accordingly upon their eligibility for CMCC paid leave.

4. Jury Duty or Court Witness Leave

- a. An employee who is summoned for jury duty, or as a court witness, by any governing body in Canada with the power to subpoena, will be granted jury leave or court witness leave for the period required. Seniority will continue to accrue during jury leave.
- b. An employee who is granted Jury Duty or Court Witness Leave may continue to receive their regular salary for the period of such service conditional on the employee providing to their manager and Human Resources:
 - i. as soon as possible, a copy of the jury summons, or summons to be a witness
 - ii. upon return to work, and no later than four weeks after the leave, written confirmation of the dates on which they served, signed by an official of the court or by the counsel for the party who required their attendance.

Failure to comply with this requirement could result in the equivalent of wages paid during the leave being treated as an overpayment of wages. Any such overpayment will be withheld from future wages owing to the employee, in a schedule mutually acceptable between the employee and the employer.

- c. An employee who is granted jury duty or court witness leave, and whose services as such are found to be not required, is expected to return to work immediately if more than three hours remain in the employee's regular work hours.
- d. An employee who attends court as a plaintiff or defendant in a personal matter, or in which the employee has a personal interest, is expected to use accrued vacation, or to make arrangements for an unpaid personal leave of absence if no more vacation time is available.

5. Pregnancy Leave

- a. A pregnant employee who has at least thirteen (13) weeks of employment with CMCC before the expected date of birth is entitled to and will be

- granted a pregnancy leave of absence without pay, not exceeding seventeen (17) weeks in duration. Note that an employee does not have to actively work the 13 weeks prior to the due date to be eligible for pregnancy leave. It is only necessary that they have commenced employment at least 13 weeks before the baby is expected to be born.
- b. Employees must provide, at a minimum, two weeks' written notice, including any medical certificates required by this policy, to their immediate manager and Human Resources before commencing the leave, indicating their intention to take the leave.
 - c. Should the employee wish to change the start of pregnancy leave to an earlier, or later, date, they must provide at least two weeks' written notice to their immediate manager and Human Resources prior to the original date the leave was going to begin.
 - d. The earliest pregnancy leave can begin is 17 weeks before the employee's due date, provided that when an employee has a live birth more than 17 weeks before the due date, they will be able to begin their pregnancy leave on the date of the birth.
 - e. The latest a pregnancy leave can begin is on the baby's due date, provided that if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.
 - f. An employee who stops working earlier than initially expected, must provide retroactive notice within two weeks of stopping work in the form of an amended letter of intent or a written notice of the date change, and a note from a legally qualified medical practitioner that states:
 - i. the employee is unable to perform duties because of complications caused by their pregnancy, and states the expected birth date, or
 - ii. the date of birth, still-birth or miscarriage and the date the employee was expected to give birth.
 - g. An employee's pregnancy leave ends 17 weeks after it begins if they are entitled to parental leave. If they are not entitled to parental leave, the pregnancy leave ends on the day that is the later of:
 - i. 17 weeks after the pregnancy leave began, and
 - ii. 12 weeks after the birth, still-birth or miscarriage.
 - h. An employee may end a pregnancy leave earlier than planned provided they give at least four weeks' written notice of the date on which they intend to return to work.

- i. Once pregnancy leave has started, the employee **cannot** use part of the 17 weeks, return to work and then go back on pregnancy leave for the unused portion.
- j. An employee who does not intend to return to work after the leave ends is required to provide at least four weeks' written notice of termination.
- k. No employee will be intimidated, suspended, laid off, dismissed or penalized in any way because they become eligible to take, intend to take, or take pregnancy leave. No employer can decide when the employee will begin their leave, even if the employee is off sick or if the pregnancy limits the type of work the employee can do.

6. Parental and/or Adoption Leave

- a. Eligible employees are entitled to parental and/or adoption leave (separate from pregnancy leave, as discussed above) in accordance with the Employment Standards Act. The employee must have worked for CMCC for at least thirteen (13) weeks before the start of the leave, and must provide at minimum two weeks written notice to their manager and Human Resources, prior to commencing the leave.
- b. If an employee stops working because a child comes into the employee's custody/care earlier than expected, the employee's parental and/or adoption leave begins on the day they stop working, and the employee must, within two weeks after stopping work, provide retroactive written notice that they are taking parental and/or adoption leave, in the form of:
 - i. an amended letter of intent or a written notice of the date change, and
 - ii. documentation from a legally qualified medical practitioner or legal agency.
- c. Should the employee wish to change the start of parental and/or adoption leave to an earlier, or later date, they must provide at least two weeks' written notice to their immediate manager and Human Resources prior to the original date the leave was going to begin.
- d. Any employee that elects not to use the maximum amount of leave available shall not have the option of taking any unused leave time at a later date.
- e. Employees who have taken pregnancy leave are entitled to an additional sixty-one (61) weeks of parental leave without pay.
- f. All other new parents are entitled to sixty-three (63) weeks of parental/adoption leave without pay, following:
 - i. the birth of the child, or

- ii. the date on which the child, who has not reached the age of compulsory school attendance, comes into the custody/care of the parent for the first time.
- g. The parental leave must start, but does not need to be completed, no later than seventy-eight (78) weeks after the date the baby is born, or first came into their care/custody.
- h. An employee may end a parental and/or adoption leave earlier than planned provided they give at least four weeks' written notice of the date on which they intend to return to work.
- i. An employee who does not intend to return to work after the leave ends is required to provide at least four weeks' written notice of termination.

During pregnancy or parental/adoption leave, an employee who is eligible to participate in life insurance plans, accidental death plans, extended health plans, and/or dental plans, may continue to participate in those plans, unless the employee elects in writing not to do so. If employee contributions are required, the employee is responsible for paying those contributions. An employee wishing to continue benefits during the leave will be required to provide to the Division of Human Resources post-dated cheques for the employee's portion of premiums for benefit coverage.

On expiry of an unpaid leave of absence (including pregnancy/parental leave), an employee who returns to work shall be reinstated in the position occupied by that employee at the commencement of the leave, or if that position is not available, in a comparable position. The employee shall receive a pay rate that is equal to the greater of:

- the rate the employee most recently earned, and
- the rate the employee would be earning had they worked throughout the leave.

2. PURPOSE

To ensure that employees are aware of their rights related to the various types of leave currently in place at CMCC.

3. SCOPE

All eligible non-union employees (Leave provisions for union employees are governed by the terms of the applicable Collective Agreement).

4. INFORMATION AND COMPLIANCE PLANS (not a comprehensive list)

- *Employment Standards Act* and Regulations (Ontario)
- *Family Law Act* (Ontario)
- *Juries Act* (Ontario)

5. RELATED POLICIES (not a comprehensive list)

- Code of Conduct - Employee
- Collective Agreement between CMCC and CUPE Local 4773
- Discipline – Employees
- Holidays
- Hours of Work
- Sexual Violence, Assault and Harassment
- Sick Leave and Salary Continuance
- Vacation and Vacation Pay
- Workplace Violence and Harassment

6. DEFINITIONS

Eligibility for CMCC's leave program, refers to a full-time or part-time employee working a minimum of 21 hours per week that has successfully surpassed their 3-month probation and is able to utilize their leave entitlements pending approval.

Immediate family includes the following:

- spouse (includes both married and unmarried couples, of the same or opposite genders)
- a parent, step-parent or foster parent of the employee or of the employee's spouse
- a child, step-child or foster child of the employee or of the employee's spouse
- a grandparent, step-grandparent, grandchild or step-grandchild of the employee or of the employee's spouse
- spouse of the employee's child
- the employee's brother, sister, brother-in-law, sister-in-law
- a relative of the employee who is dependent on the employee for care or assistance
- a current ward or legal guardian

New parent means the parent of a newborn child and includes a person with whom a child is placed for adoption and a person who is in a permanent relationship with a parent of a child and who intends to treat the child as their own.

Other relatives means aunt, uncle, niece, nephew and cousin of the employee/employee's spouse or a person who resides in the employee's household as a member of the family.

Spouse means a married or common-law partner as defined by the Ontario *Family Law Act*.

Working day means a day on which the employee is regularly scheduled to work.

New Policy Approved (date):	
Policy Revision History (dates):	Individual policies for each leave updated June 2008 Leaves – January 30, 2020

7. PROCEDURES

1. **All Leaves** must be discussed by the employee with their manager and submitted in a timely manner via the online tracking system (HROnline) by the employee or, if that is not possible by their approving manager.
2. Employees not eligible for CMCC leave entitlements must submit a Leave of Absence (LOA) request form, signed by their manager, to payroll for processing.
3. All unpaid legislative leaves will be included in any calculation of an employee's length of employment or seniority. The period of the leave is not included when determining whether the employee has completed the probationary period. If an employee was on probation at the start of a leave, they must complete the probationary period after returning to work.
4. Additional unpaid legislative leaves of absence may be granted for eligible employees pending managerial approval. Information on these additional leaves can be found in the *Employment Standards Act, 2000* or by contacting Human Resources.

New Procedure Approved (date):	
Procedure Revision History (dates):	June 2008 January 30, 2020

8. ATTACHMENTS

None.