

Job Protection for Caregivers

October 31, 2014

Three new job-protected leaves – the Family Caregiver Leave, Critically Ill Child Care Leave and Crime-Related Child Death or Disappearance Leave – are now in effect. These measures provide unpaid job-protected leave for employees while they care for sick or injured loved ones or cope with the crime-related death or disappearance of a child.

The [Employment Standards Amendment Act \(Leaves to Help Families\), 2014](#), came into force on Oct. 29, 2014. It applies to all employees covered by the Employment Standards Act, 2000, whether full-time, part-time, permanent or term contract.

Family Caregiver Leave

This provides job-protected leave to care for:

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

For an employee to be eligible for the Family Caregiver Leave, a qualified health practitioner would have to issue a certificate stating that the employee's family member has a serious medical condition. The employee has to produce the medical certificate if requested by their employer.

Eligible employees are entitled to take up to eight weeks of leave per calendar year per family member.

Critically Ill Child Care Leave and Crime-Related Child Death or Disappearance Leave

The federal government recently extended income supports to all Canadians to provide care to a critically ill child, or for parents with children missing or deceased as the probable result of a crime.

The new Critically Ill Child Care Leave and Crime-Related Child Death or Disappearance Leave complements the newly extended federal income supports by providing:

- Up to 37 weeks of job-protected leave to care for a critically ill child
- Up to 52 weeks of job-protected leave for employees who are parents of a child who has disappeared as a result of a possible crime

- Up to 104 weeks of job-protected leave for employees who are parents of a child who has died as a result of a possible crime

Employees must be employed for at least six consecutive months in order to be eligible for these leaves.

For an employee to be eligible for the Critically Ill Child Care Leave, a qualified health practitioner has to issue a certificate stating that the employee's child is critically ill and requires the care or support of a parent during a specified period. The employee has to produce the medical certificate if requested by their employer.

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