

**WACC POLICY**

<h1>EMPLOYEE LEAVE</h1>
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*Approved by the Board of Directors*

*May 2018*

## **General**

1. Absences from work of more than half a day may be granted in the following cases:
  - a. Annual Leave
  - b. Time off in Lieu (of time worked)
  - c. Sick Leave
  - d. Compassionate Leave
  - e. Special Leave
  - f. Unpaid Leave
2. All Leave must be recorded on the employee's Leave Sheet.

## **Annual Leave**

3. Employees are entitled to 20 days of paid Annual Leave in each calendar year, which accrues through the year at a constant rate. Not more than 8 days of accrued Annual Leave may be carried into the following calendar year, unless specifically approved in advance by the General Secretary.
4. Annual Leave may be taken at any time in units of half a day, but employees may be required to use two days of Annual Leave during the Christmas/New Year period to facilitate closing of the offices at that time.
5. Annual Leave may be taken in advance of being accrued on the understanding that payment for time taken may be deducted if employment is terminated before the Annual Leave entitlement accrues.
6. Annual Leave should be requested well in advance of the date on which it is to be taken; whenever possible the request should be made at least twice as long before the leave starts as the period of leave to be taken. The scheduling of Annual Leave is subject to the approval of the appropriate Supervisor and the General Secretary; however, such approval will not be unreasonably delayed or denied.
7. Payment in lieu of Annual Leave will not be made, except that an employee who has unused Annual Leave entitlement at the time of termination of employment will receive payment in lieu.

8. Employees are encouraged to take 10 consecutive days of Annual Leave at least once in each calendar year.

## **Time Off In Lieu**

9. Where time off in lieu of additional time worked is granted, it must be taken before Annual Leave.
10. Entitlement to time off in lieu is governed by the Employment Conditions Policy.

## **Sick Leave**

11. Paid Sick Leave is available only to an employee who is unable to work as a result of illness or injury, or who is undergoing a medical examination or treatment.
12. Permanent employees are entitled to accrue Sick Leave days at the rate of 1.5 days for every full month of work, to a maximum of 18 working days.
13. Temporary employees and employees who have not completed their probationary period may be granted paid Sick Leave of not more than 10 working days at the discretion of the General Secretary.
14. The limit on paid Sick Leave applies to both a single absence and to each calendar year.
15. Benefits, including accrual of Annual Leave entitlement but excluding Health benefits, may be suspended for any employee who is absent due to accident or illness in excess of his or her Sick Leave entitlement. Where an employee's contract provides for "paid vacation" earned through active service, an employee on leave may not earn either vacation time and/or pay while on leave – subject to the requirement that at the end of the vacation entitlement year, the employee must receive the greater of what was earned under the contract and the minimum vacation time, and vacation pay, he or she would have earned under the Employment Standards Act.
16. Employees who are receiving Long Term Disability payments will not be paid Sick Leave.
17. Where an employee claims Sick Leave for a period of 5 working days or less, a Self-Certification Form must be completed and provided to WACC within 3 days upon his or her return to work. In order to claim Sick Leave for a period of more than 5 working days, a certificate from an appropriate medical practitioner, clearly stating that the employee was unable to work during the period of absence, is required. The medical certificate must be provided to WACC within 3 days upon the expiry of the 5 initial days of Sick Leave.
18. Notification of an absence from work on Sick Leave is generally required under the Conditions of Employment Policy.

19. If the employees' accrued Sick Leave is exhausted, the employee may apply for Employment Insurance sickness benefits. If the employee is eligible to receive Employment Insurance sickness benefits, WACC will top up the benefits received to 95% of regular earnings.

## **Compassionate Leave**

20. Paid Compassionate Leave, of no more than two weeks in any calendar year, may be granted to an employee solely at the discretion of the General Secretary. In determining the amount of leave to be granted, the General Secretary will be guided by the following examples:
  - a. Death of an immediate family member: up to one week to provide support, make appropriate arrangements, and attend the funeral.
  - b. Death of a less direct relative or close friend: up to one day to attend the funeral.
  - c. Serious injury to or illness of a close family member up to one week.
21. Compassionate Leave may be linked to Annual Leave or to an unpaid leave of absence.
22. If the employees' paid Compassionate Leave is exhausted, the employee may apply for Employment Insurance compassionate care benefits. Employment Insurance compassionate care benefits are paid to employees who have to be away from work temporarily to provide care or support to a family member who is gravely ill and who has a significant risk of death within 26 weeks. A maximum of 26 weeks of Employment Insurance compassionate care benefits may be paid to the eligible employee. If the employee is eligible to receive Employment Insurance compassionate care benefits, WACC will not top up the benefits received to match regular earnings.

## **Special Leave**

### **Marriage**

23. At the time of marriage, an employee may be granted five consecutive days of paid Special Leave.

### **Moving**

24. When moving his or her primary residence, an employee may be granted three days of paid Special Leave no more often than once in each calendar year.

### **Jury Duty**

25. If required to perform jury duty, an employee will be granted paid Special Leave for the period of such duty, subject to remitting to WACC any payment received from the court as compensation for loss of earnings.

## Maternity Leave

26. WACC is committed to supporting its employees in their work and family life. WACC recognizes the unique situation brought about by pregnancy and provides leave for expectant mothers.
27. Expectant mothers will be granted maternity leave commencing before, on or after the date of childbirth.
28. An employee shall inform WACC in writing of her request for maternity leave at least four weeks in advance of the date of her leave, unless there is a valid reason why notice cannot be given. Upon receipt of a written request, maternity leave without pay before, on, or after the birth of her child will be granted. The period of the maternity leave will be subject to the maximums set out by government insurance plans (ie Canadian Employment Insurance Plan/Quebec Parental Insurance Plan).
29. WACC may require an employee to provide a medical certificate certifying the employee's pregnancy.
30. Maternity leave granted under this policy shall be counted as "service" for purposes of salary and benefit calculations.
31. The employee may elect to continue pension contributions and group insurance plans during the maternity leave. If she elects to continue, she and the organization will each pay their share of the benefit costs during the period of the leave.
32. For term employees (whose employment has a fixed end date), the maternity leave will end on the date the employee's term employment is completed, if the end date is prior to the conclusion of the period set out by a government insurance plan.
33. Expectant mothers are entitled to time off with pay to attend prenatal check-ups.
34. Permanent employees granted maternity leave will receive "top-up" payments, provided that the organization is presented with proof that she is in receipt of maternity benefits under a government insurance plan.
35. The top-up payment will consist of the following:
  - a. 95% of her weekly rate of pay, if she is subject to a qualifying period of two weeks before receiving government insurance plan benefits; and
  - b. A payment equal to the difference between government insurance plan benefits and her weekly salary for a total of 95% of the weekly rate for a period of 15 weeks.

## Partner's Leave

36. Five days of special leave at full salary and benefits will be granted to the partner of a person on maternity leave for needs directly related to the birth of a child.

This leave is normally taken within the first week of the child's birth, but may be taken within four weeks of the birth of the child. This does not apply to blended families where the child is the natural offspring of one of the partners.

## Parental Leave

37. WACC is committed to supporting its employees in their work and family life. WACC recognizes the unique situation brought about by new parenthood and provides leave for new parents.
38. Parental benefits are payable either to the biological or adoptive parents while they are carrying for a new born or an adopted child. Parental benefits for biological parents are payable from the child's birth date, and for adoptive parents from the date of the child's placement in the home.
39. An employee will inform WACC in writing of their request for parental leave at least four weeks in advance of the date of the leave, unless there is a valid reason why notice cannot be given.
40. The employee will be granted parental leave without pay for a single period according to government insurance plan limits. The parental leave will be in the 52-week period beginning on the day the child is born or the day on which the child comes into the employee's care.
41. At the request of the employee, parental leave can be taken in two periods of consecutive weeks. Also, at the request of the employee, the commencement of the parental leave may be deferred.
42. The employee may be required to submit a birth certificate or proof of adoption of the child. The definition of a child for the purposes of this policy is a person who has not yet reached the age of majority in the province/territory in which the employee resides.
43. If the employee's child is hospitalized within the period defined above and the employee has either returned to work or has not yet proceeded on parental leave, the period of parental leave specified in the original leave request may be extended. This extension will be equal to that portion of the period of the child's hospitalization during which the employee was not on parental leave and will end no later than 104 weeks after the day on which the child comes into the employee's care.
44. Parental leave granted under this policy is counted as "service" for purposes of salary and benefit calculations.
45. The employee may elect to continue pension contributions and group insurance plans during the parental leave. If the employee elects to continue, the employee and WACC will each pay their share of the benefit costs during the period of the leave.
46. For term employees (whose employment has a fixed end date), the parental leave will end on the date the employee's term employment is completed, if the

end date is prior to the conclusion of the parental leave set out by a government insurance plan.

47. If both parents are employees of WACC, both parents may take a period of parental leave provided that the total period of the leave taken by both parents does not exceed the maximum leave period as per government insurance plan.
48. Permanent employees granted parental leave will receive a parental top-up payment, provided that the organization has been presented with proof that the employee is in receipt of parental benefits under a government insurance plan.
49. Parental top-up will consist of the following:
  - a. 95% of the employee's weekly rate of pay, if the employee is subject to a qualifying period of two weeks before receiving government insurance plan benefits, and
  - b. A payment equal to the difference between government insurance plan benefits and the employee's weekly salary for a total of 85% of the weekly rate for a period of 8 weeks (for a total of 10 weeks including a 2-week qualifying period).

## **Personal Emergency Leave**

50. An employee is entitled to an annual 10 days of Personal Emergency Leave with the first 2 days paid. Personal Emergency Leave is for dealing with an unexpected matter involving a member of their immediate family, or other family member who resides with them, who relies on the employee for assistance.
51. An emergency includes:
  - a. Minor illness or injury,
  - b. The need to make unexpected arrangements for care, or
  - c. An unexpected incident involving a dependent child during school hours or on a school trip.

## **Family Medical Leave**

52. Family medical leave is unpaid, job-protected leave of up to 28 weeks in a 52-week period. All employees, whether full-time, part-time, permanent, or term contract, who are covered by the Employment Standards Act are entitled to family medical leave. Family medical leave may be taken to provide care or support to certain family members and people who consider the employee to be like a family member in respect of whom a qualified health practitioner has issued a certificate indicating that they have a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

## **Domestic or Sexual Violence**

53. Employees or their child who have experienced domestic or sexual violence and need time off for medical attention, counselling, to relocate, for legal assistance or law enforcement reasons, are entitled to up to 10 days off, and up to 15 weeks leave (first 5 days paid) without fear of losing their job. Such leave to be subject to the provision of appropriate evidence.

## **General**

54. An employee on Special Leave:

- a. Will continue to accrue Annual Leave entitlement,
- b. Is entitled to other benefits associated with employment other than salary,
- c. Will be required to comply with all of WACC's policies,
- d. Must continue to contribute to the Group Insurance Plan,
- e. May not be employed elsewhere unless such employment is approved in writing by the General Secretary.
- f. Is normally entitled to return to their original position or a comparable position at the end of the Special Leave. Except in the case of Maternity or Parental Leave, this entitlement may be eliminated at the time the Special Leave is granted as a condition of granting such Leave.

55. An employee who is granted Special Leave for a fixed period must return to work at the end of that period and has no right to return earlier than the end of the period.

## **Unpaid Leave**

56. An employee, who does not have sufficient Annual Leave entitlement to cover a desired absence from work, may request approval from the General Secretary for an Unpaid Leave. Where such leave is to deal with a family emergency, approval will not be unreasonably delayed or denied.

57. An unpaid leave will not normally be granted (except as Special Leave) when an employee is entitled to Annual Leave.

58. An employee on unpaid leave will not accrue Annual Leave entitlement and may have other benefits suspended for the period of absence.