

Article G.3: Family Responsibility Leave

❖ Overview

This article codifies an entitlement to unpaid family responsibility leave for employees in accordance with the terms and conditions of the provincial *Employment Standards Act (ESA)*. The purpose of the provision is to provide leave to employees who are absent from work to meet family responsibilities. It is separate and distinct from any existing compassionate or personal leave provisions in your Previous Local Agreement such as emergency leave for family illness.

❖ Article G.3: Family Responsibility Leave

The employer will grant family responsibility pursuant to the BC Employment Standards Act Part 6-52:

52 An employee is entitled to up to 5 days of unpaid leave during each employment year to meet responsibilities related to

(a) the care, health or education of a child in the employee's care, or

(b) the care or health of any other member of the employee's immediate family.

Note: In the event that there are changes to the Employment Standards Act with respect to Family Responsibility Leave, the legislated change provision (A.8) will apply to make the necessary amendments to this provision.

❖ Explanation

G.3 allows an employee up to five days of unpaid Family Responsibility Leave under normal circumstances pursuant to the provisions of the *Employment Standards Act*. This leave may be taken in smaller blocks of time, in increments of one day or more.

In accordance with the *Employment Standards Act*, “immediate family” means

- a) The spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, and

- b) Any person who lives with an employee as a member of the employee's immediate family

A broad and liberal interpretation of "immediate family" is considered acceptable under the Employment Standards Act and includes common-law spouses, step-parents, and step-children, or same sex partners and their children. Any persons will be included as "immediate family" if they reside with the employee as a member of that employee's family, such as an exchange student.

This article may be amended and the eligibility for this leave may be expanded in the event of a legislative change with respect to Family Responsibility Leave or to the definition of "immediate family member."

Duration of the Leave

In accordance with the Employment Standards Act interpretation guidelines manual, "any time taken off on any day (even one hour) qualifies as one day for the purposes of this section."¹

Reason for the Leave

In accordance with the Employment Standards Act interpretation guidelines manual, "The request does not need to be made because of a crisis or emergency. It must be related to the care or health, and in the case of a child, education, of a member of the employee's immediate family.

An employee is encouraged to give reasonable notice of any request for leave to allow the employer to accommodate the absence. Employers are entitled to reasonable proof, after the event, that the request for a leave was valid.

Examples

- Thomas is notified by school authorities that his child has been injured in a school yard accident and taken to hospital. Family responsibility leave should be allowed.
- Carin has an appointment to meet with a school counsellor to discuss behaviour issues. The appointment is during her scheduled working hours. Family responsibility leave should be allowed.
- Fisher has to accompany his elderly, disabled parent to attend a medical appointment. Family responsibility leave should be allowed.
- Neil wants to accompany his child on a school recreational activity excursion. Since this activity is not related to the care, health or education of the child, it does not justify family responsibility leave.
- Bob wants two days family responsibility leave to go to Edmonton to

¹ *Interpretation Guidelines Manual, British Columbia Employment Standards Act and Regulations, Section 52 Family Responsibility Leave.*

help his son pack up his belongings after his second year at university and drive him home to Terrace, where he will live with his parents and work for the summer before going back to Edmonton to continue his studies. Since Bob's son is over the age of nineteen, this activity is not related to the education of a child in the employee's care and does not justify family responsibility leave."²

❖ Implementation

This article was effective upon ratification of the new collective agreement.

❖ Relationship to Other Articles

This article should be read on its own and is not related in any way to previous articles regarding non-statutory compassionate or personal leave provisions such as emergency leave for family illness.

The Interpretation Guidelines Manual, British Columbia Employment Standards Act and Regulations may be of assistance to districts when considering a leave granted under the *Employment Standards Act*. The full manual is available online at: <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/igm>

² *Interpretation Guidelines Manual, British Columbia Employment Standards Act and Regulations*, Section 52 Family Responsibility Leave.