

# **COMPASSIONATE CARE, FAMILY MEDICAL, AND EMERGENCY LEAVE**

## **An Information Guide For Teachers**



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## **Introduction**

This document has been created in response to member questions about recent legislation surrounding Family Medical , Compassionate Care, and Emergency Leave. This booklet is intended as a general overview only; for more detailed questions, please consult the Ontario Ministry of Labour and Human Resources Development Canada websites.

**It is important to note that currently, there are no provisions in our Collective Agreement that deal with Compassionate Care Benefits.** We hope to change this in the future.

## **Where to Get Information**

District 21 Office.....905-574-8285

H.W.D.S.B.....905-527-5092

Payroll.....ext. 2226

Benefits.....ext.2215

Ontario Teacher's Pension Plan Board.....1-800-668-0105

[www.otpp.on.ca](http://www.otpp.on.ca)

(have SIN# handy when you call)

Human Resources Development Canada.....905-572-2211

<http://www.hrdsc.gc.ca/>

Employment Standards Information Centre.....1-800-531-5551

## **YOUR RIGHTS UNDER APPLICABLE LEGISLATION**

**Family Medical Leave and Compassionate Care Benefits** are intended to allow an employee to provide care and support to a specified family member who has a serious medical condition and significant risk of death within a 26-week period, as documented by a qualified health care practitioner.

### **Ontario Employment Standards Act (Provincial): Family Medical Leave**

- Guarantees unpaid, job-protected leave of up to 8 weeks within a 26-week period (can be used by one or more family members, for a combined total of 8 weeks)
- Guarantees that while an employee is on Family Medical Leave, s/he continues to accrue seniority and length of service, and that his/her job is protected
- Guarantees that the employer must continue to pay their portion of benefits
- Guarantees all of the above regardless of how long an employee has been working for an employer, and regardless of whether they are full or part time
- Guarantees this leave for the following family members of an ill individual: spouse; parent, step-parent, foster parent; child, step-child or foster child; spouse's child, step-child or foster child.

### **The Employment Insurance Act (Federal): Compassionate Care Benefits**

- Allows eligible employees to collect E. I. benefits for 6 weeks after a 2-week waiting period, at any time within the 26-week period;
- Allows several family members to take turns collecting benefits within the six week period with only one 2-week waiting period (but can only receive benefits for an overall total of 6 weeks);
- Allows benefits for the care of the following family members: child or the child of your spouse or common-law partner; wife, husband, or common-law partner; father or mother; father's wife or mother's husband; the common law partner of your father or mother; brothers and sisters, grandparents, grandchildren, parents-in-law, brothers-in-law and sisters-in-law, uncles, aunts, nephews and nieces, guardians, foster parents and wards.
- In situations where an individual with a serious medical condition is cared for by a more distant relative or by a person who is not directly related, regulations may allow the caregiver to claim benefits if he or she is designated as "like" a family member by that individual or a designated representative.

## **WHAT QUALIFIES ME FOR FAMILY MEDICAL LEAVE/COMPASSIONATE CARE BENEFITS?**

1. For both Family Medical Leave and Compassionate Care Benefits, you must be able to provide a certificate from a qualified health care practitioner that states that your ill family member has a serious medical condition and there is a significant risk of death within a period of 26 weeks.
2. You must be one of the eligible family members as outlined on the previous page.
3. To collect Compassionate Care Benefits, you must qualify for Employment Insurance; thus you must have accumulated 600 insurable hours in the 52-week period prior to taking your leave. (For teachers, each full school day and fully paid sick day counts as 7 insurable hours.)
4. You must obtain a ROE (Record of Employment) from the Board and any other employer you have worked for in the preceding 52 weeks to submit to HRDC.

## **HOW MUCH WILL I GET FROM E.I.?**

You are entitled to 55% of your salary, to a maximum of \$457 dollars per week. Most teachers are at the maximum. Remember that EI benefits count as taxable income.

## **WHEN DOES MY COMPASSIONATE CARE BENEFIT PERIOD BEGIN AND END?**

Benefit period begins:

- The Sunday of the week the doctor signs the medical certificate , or
- The Sunday of the week the doctor examines the gravely ill family member, or
- The Sunday of the week the family member became gravely ill, if the doctor can determine that date, e.g. the date of the test results.

**Remember that actual payment of benefits does not begin until a 2-week waiting period has been served.**

Benefit period ends:

- 6 weeks of compassionate care benefits have been paid, or
- the gravely ill family member dies or no longer requires care or support (benefits are paid to the end of that week)
- the 26-week period has expired
- you have exhausted the maximum benefits payable on your claim that combines compassionate care benefits with other types of EI Benefits.

## **SPECIAL CONSIDERATIONS FOR TEACHERS**

### **Your Pension Plan Contributions**

You are responsible for making Pension Plan Contributions during a Family Medical/Compassionate Care Leave. Contact the Ontario Teachers' Pension Plan for more information.

### **Long-Term Disability**

Ensure that you continue to pay your LTD premiums during your leave to maintain your coverage. You can make arrangements with the Board to do this.

### **Your Portion of Benefits**

While the Board is legally obligated to pay their usual share of Benefits during a Family Medical/Compassionate Care leave, you are reminded that it is your responsibility to pay the share that you normally cover.

### **Ontario College of Teachers**

If your leave falls at the beginning of the new year, when the Board normally deducts your College of Teachers fee from your paycheck, you may have to make arrangements with them to make your payment.

## **HOW TO APPLY FOR A FAMILY MEDICAL/COMPASSIONATE CARE LEAVE**

1. Obtain a Medical Certificate from a qualified medical practitioner that states that your ill family member has a serious medical condition and there is a significant risk of death within a period of 26 weeks. *Note that your leave can begin before you have this—but that you must, as soon as you acquire it, submit a copy to the Board.*
2. Provide, in writing, a letter to the Board. See the sample letter in Appendix A. Attach a copy of the Medical Certificate.
3. Apply for E.I. You can do this online or at your local HRDC office, even before you have your Record of Employment. You must submit a copy of the Medical Certificate to qualify for Compassionate Care E.I. Benefits.
4. Once you have your R.O.E. from the Board, submit it to E.I. This will ensure that your application will now be processed.
5. Make arrangements to pay your pension contributions as well as L.T.D. and any benefits you normally pay.
6. Make arrangements with the College of Teachers to pay your yearly fee, if needed.
7. It is possible, if your ill family member does not pass away within the 26-week period, to extend your Family Medical/Compassionate Care leave. This will require another medical certificate. See the HRDC website for details.

## EMERGENCY LEAVE

Under the Employment Standards Act, Emergency Leave is an unpaid, job-protected leave of up to 10 days each year. This does not have to be 10 consecutive days. It may be taken in the case of illness, injury, and certain other emergencies and urgent matters. These include:

- Personal illness, injury, or medical emergency, and
- Death, illness, injury, medical emergency, or urgent matters relating to:
  1. A spouse or same-sex partner
  2. A parent, step-parent, foster parent, child, step-child, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee, the employee's spouse, or the employee's same-sex partner
  3. The spouse or same-sex partner of an employee's child
  4. A brother or sister of the employee
  5. A relative of the employee who is dependent on the employee for care or assistance.

While on an Emergency Leave, an employee's seniority continues to accrue. The Board must also continue to pay their portion of the employee's benefits. Special considerations for teachers are similar to those outlined for Family Medical Leave.

The Board can ask an employee to provide evidence that he or she is eligible for an Emergency Leave. The employee is required to provide evidence that is reasonable in the circumstances. This could be a medical certificate, certificate of death, etc.

**Emergency Leave** may be a route for Board employees who:

1. No longer have sick time
2. Need to extend bereavement leave beyond what is guaranteed in the Collective Agreement
3. Need to extend compassionate leave beyond what is guaranteed in the Collective Agreement
4. Need to look after an ill family member.

**Note: If possible, before making the decision to take an Emergency Leave, contact the District Office. It may be possible to obtain an extended compassionate leave with pay in extenuating circumstances, rather than resort to a 10-day unpaid leave. See Appendix B for a sample letter that can be used to apply for Emergency Leave.**



APPENDIX A

<b>Letter to take Family Medical and Compassionate Care Leave</b>
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**Mr. Scott Sincerbox  
Supt. of Human Resources  
The Hamilton-Wentworth District School Board  
100 Main Street West  
Hamilton, ON  
L8N 3L1**

Date

Dear Mr. Sincerbox:

In accordance with the Ontario Employment Standards Act and the Employment Insurance Act, I am writing to inform you that I will be taking an unpaid Family Medical and Compassionate Care leave for an 8-week period beginning\_\_\_\_\_ and ending \_\_\_\_\_.

As required, please find enclosed a letter from Dr.\_\_\_\_\_ indicating the seriousness of my family member's medical condition, including a risk of death within 26 weeks.

It is my understanding that under the Employment Standards Act, I am entitled to return to my former position, and that the Board is required to continue payment of Benefits.

Sincerely,

(your name)  
(your position and school)

cc. Principal  
A copy for your records

(Note: Your Principal does not require a copy of the Medical Certificate.)

APPENDIX B

**Letter to take Emergency Leave**

**Mr. Scott Sincerbox  
Executive Officer of Human Resources  
The Hamilton-Wentworth District School Board  
100 Main Street West  
Hamilton, ON  
L8N 3L1**

Date

Dear Mr. Sincerbox:

In accordance with the Ontario Employment Standards Act, I am writing to inform you that I will be taking an unpaid Emergency Leave for a 10-day period beginning \_\_\_\_\_ and ending \_\_\_\_\_.

I am aware that the Board has the right to request evidence that I am eligible for an Emergency Leave. Therefore, please see the attached documentation [*Medical Certificate, Death Certificate, etc.*]

It is also my understanding that under the Employment Standards Act, I am entitled to return to my former position, and that the Board is required to continue payment of Benefits.

Sincerely,

(your name)  
(your position and school)

cc. Principal  
A copy for your records

(Note: Your Principal does not require a copy of additional documentation.)