



A Guide for Employers on

Family Responsibility Leave

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Managing family responsibility leave

This employer guide explores the basics of family responsibility leave to help you avoid common pitfalls. How do you manage absence in the workplace? Have you prepared or updated your leave policy?

Whether your organization is big or small, a long-established firm or a new start-up, managing leaves of absence in the workplace helps support your business growth and strong organizational culture.

Ontario's labour laws regarding employee management have changed since Bill 47 reversed many of the laws that Bill 148 enforced in 2018. It is important to understand your employees' rights and how to establish an appropriate family responsibility leave policy that reflects your business practices.

How can you manage absence in relation to employee job satisfaction and morale? Get to know the laws around family responsibility leave. Use this resource guide to gain a better understanding of Ontario's labour laws and adopt our HR best practices for your business.

As an employer in Ontario, you must provide up to three full days of unpaid, job-protected family responsibility leave per calendar year to each employee.

Understanding family responsibility leave

All employees - regardless of the size of the business they work for and whether they work full-time or part-time hours - are entitled to three days of family responsibility leave every calendar year.

Family responsibility leave can be taken because of an illness, injury, medical emergency or urgent matter that concerns an employee's family member.

It is important to note that there is no pro-rating of family responsibility leave. Whenever an employee begins work, they are entitled to three days of leave for the remainder of the year.

The Employment Standards Act (ESA) states that all family responsibility leave is unpaid.

Employees must inform their employer before starting family responsibility leave or as soon as possible after starting it, although this does not have to be in writing. They do not lose their right to family responsibility leave, however, if they fail to provide notice.

What family members are covered by family responsibility leave?

A common question about family responsibility leave is what family members are covered by family responsibility leave. An employee can take family responsibility leave for immediate family members such as:

- A spouse

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

Evidence and family responsibility leave

Another area of concern is evidence of entitlement to family responsibility leave.

An employer can ask an employee to provide evidence of a death in the family if it is reasonable to do so. This might include some documentary information if it relates to a family member who relied on the employee for care and assistance.

Designating absences as family responsibility leave

Where an employee is entitled to family responsibility leave under the ESA, the employee (rather than the employer) decides whether to designate an absence as family responsibility leave.

An employee may be entitled to family responsibility leave, but decide not to claim the absence as a family responsibility leave day. In this case, he or she decides simply not to exercise their life entitlements.

What is an urgent matter?

One of the events that qualifies as family responsibility leave is an 'urgent matter' that concerns any of the people listed in the ESA.

Generally, an urgent matter must be unplanned or out of the employee's control and may have serious consequences if not responded to. When deciding whether an event qualifies, employers should review it objectively and seek advice if they are unsure.

What if the employee fails to notify the employer?

If an employee fails to notify their employer of their family responsibility leave, they do not lose their right to take it. The ESA specifically allows for situations where the employee may not be able to notify the employer in advance, especially in the case of a traumatic and sudden event involving a family member.

An employer may choose to discipline an employee who failed to give notice when they were able to do so, but must take care to ensure that it is clearly linked to the failure to give notice, and not to a penalization for the employee taking leave.

Do you have a family responsibility leave policy in place?

Managing family responsibility leave starts with proper workplace policies.

Establishing a family responsibility leave policy is key to effective absence management. You can set these expectations in your employment agreement or employee handbook.

To prepare an effective family responsibility leave policy, consider these five HR best practices:

1. Review the Employment Standards Act to ensure you meet the minimum requirements of the current laws (they changed twice between 2018 and 2019 alone)
2. Be transparent about time off and if pay is provided during a family responsibility leave absence
3. Outline arrangements and procedures for recording absences
4. Determine the procedure for short-term and long-term disability
5. Include information on support and assistance for those who were off for family responsibility leave and are returning to work

Managing family responsibility leave

As an employer, it is important to know your obligations under the Employment Standards Act to operate your business with confidence.

Knowing you are taking the right steps when staff request for family responsibility leave will make a significant difference in the workplace. For example, your employees have the right to take up to three days off for family responsibility leave per calendar year, but they are all unpaid.

Are you noticing an increase in employee absences? It is always a good idea to check in with them. You should also make sure your employee handbook is up to date with new policies and procedures as labour laws continue to change.

Learn more

If you have questions about the Ministry of Labour or the Employment Standards Act, call Peninsula today. We are dedicated to providing small business owners with HR support.

1 (833) 247 2652
We've got you covered.

Employer FAQs

What are employers asking about family responsibility leave?

1. **What is the definition of family responsibility leave?**

Family responsibility leave is job-protected leave that gives employees the right to take time off because of the illness, injury, medical emergency or urgent matter that concerns a family member.
2. **How many family responsibility leave days can an employee take?**

Employees are entitled to three days of unpaid family responsibility leave.
3. **Do employers pay for family responsibility leave?**

No, all family responsibility leave days are unpaid.
4. **Can an employee take family responsibility leave in part days?**

No, leave must be taken in complete days.
5. **Can an employee take family responsibility**

leave for someone who is not an immediate family member?

Yes, but only if they are a relative who is dependent on the employee for care or assistance.

6. If an employee starts working part way through the year, how many sick days do they get?

All employees are entitled to the full three days of family responsibility leave in a calendar year, regardless of when they began working.

7. Do employees need to request family responsibility leave from their employer?

Yes. Employees must tell their employers if they are taking family responsibility leave before or right after they start; however, this does not need to be in writing.

8. Can employers ask for proof of family responsibility leave?

Yes. Employers can ask for evidence of the family responsibility if the circumstances are reasonable, including some documentary information if it relates to a family member who relied on the employee for care and assistance.