

LiRN Critical Illness Leave Policy

Purpose and Scope

1. This policy is intended to set out the rights and duties for the employee and LiRN if Critical Illness Leave is taken.
2. Critical Illness Leave is a job-protected leave under the Ontario Employment Standards Act, 2000 (ESA) that may be taken to provide care or support to:
 - a. an employee's critically ill minor child or adult who is a family member of the employee; and
 - b. who requires the care or support of one or more family members.
3. The specified family members do not have to live in Ontario for the employee to be eligible for Critical Illness Leave.
4. The documentation to support a Critical Illness Leave includes obtaining a medical certificate from a qualified health practitioner stating that the minor child or adult is critically ill and sets out the period during which the family member requires the care or support.
5. "Family caregiver benefits for children" or "Family caregiver benefits for adults" are payable for this leave through the Federal Employment Insurance (EI) program.
6. Critical Illness Leave is available to employees whether or not an application for EI benefits has been made.

Definitions

7. **Adult** means a person who is 18 years of age or older.
8. **Care or support** means providing care, psychological, or emotional support, other than care provided by a health professional, that is required because of a critically ill person's state of health.
9. **Critically ill** means that a person's baseline state of health has significantly changed, and their life is at risk as a result of an illness or injury. It does not include chronic conditions.
10. **Family Member** means:
 1. The employee's spouse or partner.

2. A parent, step-parent, or foster parent of the employee or the employee's spouse or partner.
 3. A child, step-child, or foster child of the employee or the employee's spouse or partner.
 4. A grandparent, step-grandparent, foster grandparent, grandchild, step-grandchild, or foster-grandchild of the employee or the employee's spouse or partner.
 5. The spouse or partner of an employee's child.
 6. The employee's sibling or sibling-in-law.
 7. The aunt, uncle, nephew, or niece of the employee or the employee's spouse or partner.
 8. A person who considers the employee to be like a family member.
11. **Minor Child** means a person who is under legal guardianship, under the age of 18, and is a child, stepchild, or foster child of the employee.
12. **Qualified Health Practitioner** means, for critical illness leave purposes, a qualified health practitioner is a person who is qualified to practice as a physician, registered nurse, or psychologist under the laws of the jurisdiction in which care or treatment is being provided. In Ontario, this includes psychiatrists and nurse practitioners. Different types of health practitioners may be able to issue certificates in different jurisdictions; it will depend on the laws of that jurisdiction.

Entitlement

Length of Leave

13. **Supporting a minor child:** For the purpose of providing care or support to a critically ill minor child, Critical Illness Leave may be taken for up to a maximum period of 37 weeks within a 52-week period.
14. **Supporting an adult:** For the purpose of providing care or support to a critically ill adult, Critical Illness Leave may be taken for up to a maximum of 17 weeks within a 52-week period.
15. In both cases, the weeks available for the leave do not have to be taken consecutively.

Eligibility

16. All employees who have been employed by LiRN for at least six consecutive months and are covered by the Ontario Employment Standards Act, 2000 (ESA) are entitled to Critical Illness Leave. Employees are encouraged to apply for “Family caregiver benefits” through the EI program.

Pay During Leave

17. This is an unpaid leave.

Group Insurance Benefits

18. Employees on Critical Illness Leave continue to participate in the group benefit plans and any optional benefit coverage unless they elect in writing to discontinue optional benefit participation.
- a. Any employee paid coverage requires continued payment.
 - b. Employees will have their premiums deducted prior to commencement of the leave, upon return to work, or they may pay by cheque.
 - c. If premium costs are owed to LiRN and the employee does not return to work, LiRN expects repayment of the costs from the employee.
 - d. Basic Life Insurance and Basic Accidental Death and Dismemberment (AD&D) coverage are 100% employer paid benefits and coverage continues during the leave.
 - e. Access to the Employee and Family Assistance Program (EFAP) continues during the leave. Employees and their family members are encouraged to use these confidential services to assist with family life transitions, return to work transitions, childcare issues and any other concerns that may arise.

RRSP Contributions

19. Employer RRSP contributions will continue to be made during the leave period unless the employee elects in writing not to continue making employee contributions up to 12 months.

Vacation

20. Vacation continues to accrue throughout the leave.

Sick Days

21. Employees must be actively at work to accrue sick days.

- a. Sick days will be prorated for absences that are greater than four weeks and will be granted upon return from Critical Illness Leave for the year in which the employee returns.
- b. Sick days are prorated based on the percentage of time remaining in the calendar year.

Personal Days

22. Employees must be actively at work to accrue personal days.

- a. Personal days will be prorated for absences that are greater than four weeks and will be granted upon return from Critical Illness Leave for the year in which the employee returns.
- b. Personal days are prorated based on the percentage of time remaining in the calendar year.
- c. Personal days are forfeited if not used in the calendar year in which they are received.

Performance Reviews

23. A performance review should be conducted prior to the employee's departure or as soon as the employee returns to work. This review covers the employee's performance prior to the leave.

Salary Administration

24. Any employee on leave on or before the effective date for salary administration will have any applicable salary adjustments applied and effective on the return from leave date.

Roles and Responsibilities

Employees will:

25. Meet with the Managing Director or, if the employee is the Managing Director, with the Chair of the Board, prior to the leave commencing to finalize the start date of the leave and provide an estimated return date.

26. Provide a medical certificate signed by a qualified medical practitioner (i.e., medical doctor or nurse practitioner) stating that the child or adult is critically ill and requires the care or support of one or more family members. The medical certificate must also set out the period in which the care or support is required.
27. Complete the “Election Form for Continuation or Waiver Benefits Coverage and Pension.
28. Advise the Managing Director or, if the employee is the Managing Director, with the Chair of the Board, of any changes to their circumstances that will affect the duration or nature of their leave.
29. Employees wishing to take a critical illness leave for a person who considers the employee to be like a family member, must provide a completed copy of the compassionate care benefits attestation form, available from Employment and Social Development Canada, whether or not they are making an application for EI Compassionate Care Benefits or are required to complete the form to obtain such benefits, if requested to do so.

Managers will:

30. Ensure that the employee’s attendance records are up to date prior to the leave and accurately maintained while the employee is on leave.
31. Advise and consult with external sources such as the Law Society of Ontario’s Human Resources Department on any leave related issues.
32. Get advice from and consult with external sources such as the Law Society of Ontario’s Human Resources department on any leave related issues as required.
33. Manage the operational impact of the absence, including arranging for interim staff replacement if required.
34. Complete a performance review prior to employee’s departure or as soon as the employee returns to work.
35. Administer the policy to ensure compliance with the ESA and the Employment Insurance Act.
36. Meet with the employee taking leave to outline the employee’s responsibilities and organizational leave practices and answer any employee questions.
37. Ensure the employee has completed the “Election Form for Continuation or Waiver Benefits Coverage & Pension During Periods of Statutory Leaves of Absence.

- 38. Provide payroll with the necessary documentation in order for cessation of pay and if applicable, pension and benefits, for the leave period.
- 39. Connect with the employee to stay apprised of any changes to the leave.
- 40. Arrange for the employee to return to work as required.

Approved by the LiRN Board of Directors May 28, 2025