COVID-19 Unpaid Leave Policy

(All jurisdictions except Ontario)

Since the pandemic began, all but 2 jurisdictions (Northwest Territories and Nunavut) have revised their employment standards laws to give employees unpaid leave for absences due to COVID-19. The idea is to ensure that getting sick, slammed into self-isolation or shut in to care for a homebound child didn’t cost employees their jobs. As with other leaves of absence, it’s important for organizations to implement a written HR policy outlining how COVID leave works. Here’s a template you can adapt. **NOTE: If you’re in Ontario, use the Infectious Disease Emergency Leave Policy template instead of this version.**

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**1. POLICY**

For as long as the COVID-19 public health emergency remains in effect, ABC Company employees are entitled to take an unpaid leave of absence in accordance with the employment standards law of [*province*] and the terms of this Policy.

**2. DEFINITIONS**

For purposes of this policy:

**Family member** means a brother, sister, spouse, common law spouse, child or other person defined as a “family member” for whom an employee has the right to take unpaid family responsibility leave under [*province*] employment standards laws;

**Qualified health practitioner** means a person who is qualified to practice medicine under the laws of the jurisdiction in which care or treatment is provided to the employee or family member.

**3. ENTITLEMENT TO LEAVE**

An employee is entitled to an unpaid leave of absence regardless of how many months of employment the employee has with ABC Company, if the employee must miss work due to one or more of the following reasons:

* The employee is under medical investigation, supervision or treatment due to COVID-19
* The employee is required under government health order or guidelines to quarantine or self-isolate
* The employee is directed by ABC Company not to work due to concern about the employee's exposure to others
* The employee is providing care or support to a family member, including care or support needed to be provided as a result of the closure of a school or premises where childcare is provided
* The employee is directly affected by travel restrictions and can’t reasonably be expected to travel to the province
* [*Add if you’re in BC*] Is, in the opinion of a health officer or health professional, or according to government information or directions, more susceptible to COVID because he/she (i) has an underlying medical condition, (ii) is undergoing medical treatment, or (iii) has contracted another illness
* [*Add if you’re in BC*] Is absent from work due to side effects from being vaccinated against COVID.

**4. DURATION OF LEAVE**

**Option A:** (BC, MB, NB, NL, NS, ON, PEI, SK):Unpaid leave taken in accordance with Section 3 above may last until the need for the employee to take the leave no longer exists or requires the employee to be absent from work.

**Option B:** (AB):Unpaid leave taken in accordance with Section 3 above may last up to 14 days if the employee takes leave for purposes of quarantine or self-isolation, or, if the leave is due to one or more different grounds, until the need for the employee to take the leave no longer exists or requires the employee to be absent from work.

**Option C:** (FED):Unpaid leave taken in accordance with Section 3 above may last up to 4 weeks if the employee takes leave because of getting COVID, for quarantine or self-isolation or to follow another public health protocol, or, up to 38 weeks if the leave is due to a caregiving obligation to a family member.

**Option D:** (QC):Unpaid leave taken in accordance with Section 3 above may last up to 14 days.

**5. NOTIFICATION OF LEAVE**

Employees must notify their manager or supervisor as soon as reasonably practicable before taking leave under this Policy. Where it is not reasonably practicable to provide advance notice, the employee must advise his/her manager or supervisor as soon as possible after leave begins.

**6. VERIFICATION OF NEED TO TAKE LEAVE**

ABC Company reserves the right to require employees to provide documentation or other reasonable verification of their need to take leave. However, no employee will be asked or required to furnish a doctor’s note or medical certificate of the need for leave.

**7. DUTY TO COOPERATE & COMMUNICATE**

Employees must provide an estimated date of their expected return date and remain in communication with their supervisor or manager while they are on leave to ensure that arrangements can be made for their return.

**8. RETURN TO WORK**

An employee shall provide 48 hours’ notice to his or her manager or supervisor if he/she wishes to return from the leave earlier than the expected return date. An employee shall return to the position held prior to commencing the leave and is entitled to the same pay and benefits received before commencing the leave.

**9. NON-RETALIATION**

ABC Company will not discharge, threaten, penalize or in any other manner discriminate or retaliate against any employee for exercising their rights under this Policy, including but not limited to requesting or obtaining a leave of absence related to COVID-19.

**10. DURATION**

This is a temporary Policy that ABC Company may revoke when the COVID-19 public health emergency ends in [*province*] and the employment standards regulation providing for unpaid leave is revoked.