



Workplace Leaves of Absences

Category: Human Resources;

Jurisdiction: Vice President, Administration and Finance;

Approval Authority: Executive Team;

Established on: January 1, 2008;

Amendments: September 20, 2009; April 24, 2012; September 2012; December 8, 2020.

Most Recent Review: December 8, 2020

Purpose

To establish a clear set of guidelines and entitlement to leaves of absence for non-union employees.

Scope

This policy is applicable to non-union employees.

Unionized employees should refer to the leave of absence provisions in their applicable collective agreement.

Policy Guidelines

It is a supervisor's responsibility to maintain accurate records for employee attendance. Should employees require a leave of absence from the workplace due to an authorized leave detailed below, an appropriate Leave of Absence form must be completed and issued to the Office of Human Resources. The requirement to submit a Leave of Absence Form is not applicable for paid sick leave.

An employee shall provide a written request to their supervisor as soon as possible prior to the anticipated start date of a leave.

When an employee requests a leave, approval will not be unreasonably withheld while taking into consideration the operational needs of the area.

While on a leave of absence, an employee may be entitled to maintain coverage under the University's employee benefit plans, subject to the terms and conditions of those plans. Details on premium costs and benefits are available from the Office of Human Resources.

This policy will be applied in adherence to all relevant employment legislation, including but not limited to the Ontario Employment Standards Act and the Ontario Human Rights Code. For more information regarding a leave listed below or additional leaves outlined in the *Ontario Employment Standards Act* (the "ESA"), employees are encouraged to ask their supervisor or the Office of Human Resources.

1. Pregnancy/Parental Leave:

1.1 Pregnancy Leave

- a) A pregnant employee will be granted an unpaid leave of absence for up to seventeen (17) weeks (at the option and request of such employee) provided such employee's due date falls at least thirteen (13) weeks after such pregnant employee commenced employment by the University. An employee may begin their pregnancy leave no later than the earlier of the due date and the day on which they give birth. An employee electing to take pregnancy leave shall provide their supervisor with a minimum of two (2) weeks' notice in writing before the date the leave is to begin, and upon the request of the University shall provide a certificate from a legally qualified medical practitioner stating the due date.
- b) An employee (excluding contract employees) having completed a minimum of one (1) year of full-time, continuous service and who agrees to return to the University for one year following the pregnancy leave will be entitled to pregnancy leave benefits topped

up to 95% of the employee's regular salary for the duration of the pregnancy leave. At no point shall payments exceed the amount of top up available under the twelve (12) month Employment Insurance rate. In the event an employee does not return to the University following the conclusion of the pregnancy leave (or subsequent parental leave if applicable) and voluntarily remain employed by the University for at least a twelve-month period following such return, they shall be obliged to repay the University for any supplemental monies received during the pregnancy leave.

- c) Employees are encouraged to review the additional rights, terms, obligations and conditions applicable to pregnancy leave set out in the Employment Standards Act, including without limitation sections 46, 46.1 and 47 of the ESA.

1.2 Parental Leave

- a) An employee who has been employed by Lakehead for at least thirteen (13) weeks of full-time, continuous service who becomes a parent is entitled to an unpaid leave following the birth of their child, or coming of a child into the employee's custody, care and control for the first time. The duration of such parental leave is 61 weeks after it began if the employee also took pregnancy leave, and 63 weeks after it began otherwise. The employee shall provide their supervisor with a minimum of two (2) weeks' notice in writing of the day the leave is to begin.
- b) An employee (excluding contract employees) having completed a minimum of one (1) year of full-time continuous service and who agrees to return to the University for one year following the parental leave, will be entitled to parental leave benefits topped up to 95% of the employee's regular salary for a twelve (12) week period of the parental leave. At no point shall payments exceed the amount of top up available under the twelve (12) month Employment Insurance rate. In the event an employee does not return to the University following the conclusion of the parental leave and voluntarily remain employed by the University for at least a twelve-month period following such return, they shall be obliged to repay the University for any supplemental monies received during the parental leave.

- c) A parent other than the birth mother is entitled to two (2) days paid leave in addition to the parental leave set out in paragraph 1.2(a) above. Such leave will normally be taken within thirty (30) days of the birth.
- d) Employees are encouraged to review the additional rights, terms, obligations and conditions applicable to parental leave set out in the Employment Standards Act, including without limitation sections 48 and 48 of the ESA.

2. Jury and Court Witness Leave

When an employee is called for jury duty or is compelled by subpoena to attend as a court witness (except in cases of personal litigation), they shall be granted a leave of absence with pay at their normal salary. However, the rate per day granted by the courts must be turned over to the Office of Human Resources for each day of such absence. The employee will be required to present proof of service and the amount of pay received.

The employee shall inform their supervisor as soon as possible after receiving notification of being called and supply the supervisor and the Office of Human Resources with a copy of the summons.

3. Bereavement Leave

In the event of death in the employee's immediate family they shall be entitled to bereavement leave. The University recognizes that the term "family" may have different meanings within a diverse and multicultural society, and the bonds that a person considers as kinship may not fall within traditional or legal definitions of "family" or "immediate family". For the purposes of this policy, the term "immediate family" is defined as:

- a spouse (includes both married and common law couples of the same or opposite gender); a parent, step-parent, foster parent, child, stepchild, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse; the spouse of an employee's child; a brother or sister of the employee; a step brother or step sister of the employee; and a relative of the employee who is dependent on the employee for care or assistance (in accordance with the Income Tax Act).

An employee granted bereavement leave for an immediate family member will not be required to attend work for a period of up to four (4) days and will suffer no reduction in pay, nor loss of vacation or sick leave.

In cases of death outside of an employee's immediate family, the employee's supervisor shall consider the request in the context of the relevant circumstances and the University's commitment to equity, diversity, and inclusion, and at the supervisor's discretion, the employee may be granted bereavement leave for a period of up to three (3) days and will suffer no reduction in pay, nor loss of vacation or sick leave.

Should prolonged travel or other extenuating circumstances be involved, up to an additional two (2) days of bereavement leave may be granted by the employee's supervisor.

An employee who suffer the loss of a certain immediate family member may be entitled to other forms of unpaid leave under the ESA, and is encouraged to contact their supervisor or the Office of Human Resources for more information.

An employee who is on any other form of approved leave (except vacation leave or sick leave), either paid or unpaid, is not eligible for bereavement leave.

In the event a death occurs in the employee's immediate family while the employee is on vacation or sick leave, the following shall occur:

- a) Vacation or sick leave ceases as of the date of death for the approved duration listed above. The employee shall return from vacation or sick leave on the date originally scheduled;
- b) Bereavement leave shall be applied as of date of death;
- c) Vacation or sick leave days unused as a result of the applied bereavement leave will be returned to the employee's bank for future use.

4. Sick Leave

A full-time employee will accumulate sick leave credits (days) throughout their period of active employment. When an employee is absent due to illness/injury, available sick leave credits are applied during the period of absence. Sick leave credits are payable at the employee's regular salary.

Employees within the classifications of non-union Bands 1-5, and Technical Staff A & B, accumulate sick leave credits at the rate of 1½ days per month of continuous service to a maximum of 120 days.

Employees within the classifications of non-union Bands 6-13, Senior Administration, and Technical Staff C & D accumulate sick leave credits at the rate of 2½ days per month of continuous service to a maximum of 120 days.

The University may require evidence reasonable in the circumstances, such as a certification from the treating Physician or Nurse Practitioner, to substantiate an employee's absence. Additionally, following a prolonged or serious illness, the University may require evidence reasonable in the circumstances, such as certification that an employee is medically fit before permitting them to return to regular duties. Failure to provide a medical certificate when requested may result in the time being taken without pay. The expense of obtaining medical certificates is the responsibility of the employee.

Unused sick leave entitlement will not be paid out at any time, under any circumstance. When sick leave credits have been exhausted, earned vacation may be used. An employee may not use sick leave to absent themselves for any reason other than personal illness.

In the event an employee becomes seriously ill while on vacation and verifies the illness with an appropriate medical certificate the following shall occur:

- a) Vacation ceases as of date of illness;
- b) The sick days shall be applied according to the medical certificate;

- c) Vacation days unused as a result of the applied sick days may be booked on dates mutually agreeable to the employee and supervisor.

5. Health and Wellness Appointments

The University recognizes the need for employees to attend health and wellness appointments related to the employee and/or their dependents. These appointments should be arranged so as not to interfere with an employee's normal working hours. If such arrangements are not possible, however, appointments should be scheduled toward the beginning or the end of the working day, so that the minimum amount of time will be spent away from the University.

If health and wellness appointments must be made during working hours, the employee is to request the required time off from their supervisor in advance of the date of the appointment.

If the leave is approved, the employee will not be deducted pay to attend their appointment. Employees will be expected to work the required hours to make up for lost time. Such time shall not be considered overtime. The employee may elect to use accumulated overtime to offset hours for attending appointments. However, where frequent visits occur or are required, the University may require an employee to take the time as a leave without pay, as vacation time or work alternative hours with the approval of their supervisor.

6. Personal Time Off

In unique circumstances a supervisor may grant an employee personal time off, outside of attending health and wellness appointments. In such cases the employee will be expected to work the required hours to make up for lost time. Such time shall not be considered overtime. The employee may elect to use accumulated overtime to offset hours for personal time off.

7. Long Term Disability Leave (LTD)

Long term disability leave is granted to eligible employees who are totally disabled by a non-work related accident or sickness during active employment with the University. Criteria

regarding eligibility, benefit entitlement, duration of coverage, etc, is set out in the applicable master long term disability insurance plan and is dependent on the nature of the disabled employee's position.

The insurance begins after seventeen (17) weeks of continuous disability. During the first twenty-four (24) months of such disability leave the employee shall retain the right to resume their normal duties. After twenty-four (24) months of such disability leave the employee shall lose the right to resume their normal duties. However, LTD benefits will continue as long as the employee is unable to perform the duties of any occupation for which they are reasonably qualified by training, education or experience.

Details regarding specific application of the LTD Plan and Leave are available from the Office of Human Resources. In the event of any variation between the information presented in this policy and the applicable master insurance policy, the latter will prevail.

8. Election Leave

Employees eligible to vote in federal, provincial and municipal elections or in an election as a member of a First Nations Band are entitled to three (3) hours of leave, while the polls are open, for the purposes of voting. If an employee's hours of employment do not allow for these consecutive hours prior to the closing of the polls, the employee may, at a time convenient to the supervisor, be absent from work without loss of pay.

9. Leave Without Pay

Permission for a special leave of absence without pay may be granted in unusual circumstances, taking into account not only the merits of the individual's case but also the operational needs of the department concerned. All such requests must be approved by the employee's supervisor and in cases where the leave of absence exceeds 5 (five) days, authorization is required from the Associate Vice-President Human Resources.

Unless otherwise set out in the ESA, when such leave is granted, vacation and sick leave

accruals shall cease during the period of absence, and salary shall not be paid for any statutory holidays that fall during the period of the leave. However, since arrangements can be made in certain cases for the continuation of some of the staff benefit plans at full cost to the employee (unless otherwise set out in the ESA), an individual taking a leave of absence without pay is encouraged to contact the Office of Human Resources for specific information on benefit planning during the period of leave.

10. Volunteerism Leave

Lakehead encourages employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for Lakehead's employees who serve as volunteers in non-profit community programs that are either of personal interest or are Lakehead-sponsored initiatives.

10.1 Volunteer Time

Employees may take up to two (2) days of paid time off each year to participate in their specific volunteer program(s).

Volunteer days must be requested in advance, and if approved shall be taken in either half day or full day blocks to help with the coordination of other work-related responsibilities.

Volunteer days should not conflict with the peak work schedule and other work-related responsibilities, create a need for overtime or cause conflicts with other employees' schedules.

10.2 Eligibility

Eligible employees will have demonstrated satisfactory or above performance.

To be considered for approval, interested employees will request their leave from their supervisors as far as reasonably possible in advance of the date of the leave.

Review Period: 5 years;

Next Review Period: 2025-2026;

Related Policies and Procedures: To be determined;

Policy Superseded by this Policy: Workplaces Leaves and Absences for Non-Union Employees (previously named).

The University Secretariat manages the development of policies through an impartial, fair governance process, and in accordance with the Policy Governance Framework. Please contact the University Secretariat for additional information on University policies and procedures and/or if you require this information in another format:

Open: Monday through Friday from 8:30am to 4:30pm;

Location: University Centre, Thunder Bay Campus, Room UC2002;

Phone: 807-346-7929 or Email: univsec@lakeheadu.ca.