



Compassionate care leave allows you to care for relatives

The CEU and the Board recently signed a Memorandum of Understanding (MOU) which provides CEU members with first-class compassionate care leave rights. The MOU also reflects the 2004 changes to the *Employment Insurance (EI) Act* and the 2006 changes to the *Employment Standards (ES) Act*. This column answers questions about the MOU and the EI compassionate care benefits.

1. How much leave can I take?

The Board will grant you up to eight weeks of unpaid compassionate care leave to care for or support (directly or indirectly) a family member for whom death is imminent within 26 weeks. Under the federal law, you can receive up to six weeks of EI benefits. The family member must be at risk of dying in the next six months.

2. How is family member defined?

The eligibility list in the MOU is extensive and includes:

- Your spouse, common law partner, child, parent, grandparent, step-grandparent, brother, step-brother, sister, step-sister, in-laws, aunts, uncles, nieces, nephews, foster parents, foster children, wards, guardians, and their spouses or common law partners
- Your spouse's or common law partner's relatives, their spouses and common law partners, and your spouse's foster parents and wards
- Someone you consider to be like a family member, including a friend.

3. How do I qualify for this leave?

You must submit a copy of a medical certificate indicating that the family member is likely to die in the next 26 weeks. You must give as much notice as possible, but the Board can't deny your leave due to short notice. You don't have to use vacation, sick leave, or compensatory time off (overtime), before taking the leave.

To qualify for the EI benefits, you must be eligible to receive employment insurance. The qualifying (waiting) period for EI is two weeks.

4. Does the leave affect seniority and benefits?

No. You will continue to accrue seniority, and vacation and sick leave entitlements. Your benefits will continue. The Board will also continue to pay their portion of your pension plan contributions if you pay your share.

5. Can I share this benefit with family members?

If other family members work for the Board, each of you may take a portion of the leave. You may share the eight weeks in a way that meets your needs.

EI also allows you to share the six weeks of benefits with other family members looking after the same relative. Only one EI qualifying period has to be served.

6. What if I need more than an eight-week leave?

Once the compassionate care leave expires, you may request further leaves under Articles 35 and 44.

- General unpaid leaves under Article 35 are granted at the Board's discretion. With a leave of more than 10 days, you must use unscheduled vacation and overtime before the leave is granted, unless the Board waives this requirement. Managers have in the past been flexible in granting leaves to members dealing with difficult issues. We hope this approach continues.
- If the family member is a dependent child, you may request leave under Article 35.09 – Leave Without Pay for the Care and Nurturing of Children. If you meet other requirements of the article (for example, you request ten days or more), the employer must grant the leave.
- Under Article 44 – Serious Illness in Family, you will be granted two days of paid leave of absence for a close relative with a serious illness. If you have to travel, your director may grant you more time without pay – but the total can't exceed a week. The definition of close relative is not as extensive as the definition of family members eligible for compassionate care leave.

7. If I have taken a compassionate care leave in the last three years, will I be restricted from taking another type of unpaid leave?

No. The compassionate care leave does not count for the purposes of applying Article 35.03, which prohibits you from taking more than one unpaid leave of absence until you have worked for three years after your return to work.

The MOU on compassionate care leave is posted on the CEU Web site. www.ceu.bc.ca