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## What are Canadian Labor Laws as They Relate to Leave Administration, Specifically Military, Disability, FMLA, Vacation and Bereavement?

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## What are Canadian Labor Laws as They Relate to Leave Administration, Specifically Military, Disability, FMLA, Vacation and Bereavement?

### Abstract

**Question:** What are Canadian labor laws as they relate to leave administration, specifically military, disability, FMLA, vacation and bereavement? How do these laws in Alberta, Ontario and Quebec differ from U.S. laws?

### Keywords

human resources, Canadian labor laws, FMLA, disability, vacation, bereavement

### Comments

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### Executive Summary

**Question: What are Canadian labor laws as they relate to leave administration, specifically military, disability, FMLA, vacation and bereavement? How do these laws in Alberta, Ontario and Quebec differ from U.S. laws?**

There are a myriad of difference between labor laws in the United States and Canada, which are regulated by the provincial governments. We focused on the three provinces identified (Québec, Ontario and Alberta), and created a comparison with the United States' federal laws. Key differences and highlights of the regulations pertaining to paid and unpaid leave practices are outlined in the table below.

Leave Regulations: United States and 3 Canadian Provinces

Leave	United States	Québec <sup>1</sup>	Ontario <sup>2</sup>	Alberta <sup>3</sup>
Family Medical	<p><i>(Unpaid)</i> Up to 12 weeks of leave:</p> <ul style="list-style-type: none"> <li>to care for family member in the event of a serious health condition,</li> <li>due to own serious health condition</li> <li>birth or adoption of a child<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li><i>(Unpaid)</i> Up to 10 days to care for immediate family</li> <li><i>(Unpaid)</i> Up to 12 weeks to care for immediate family in the event of serious illness; up to 104 weeks of job protected leave allowed in certain circumstances</li> </ul>	<ul style="list-style-type: none"> <li><i>(Unpaid)</i> Up to eight weeks of job-protected leave</li> </ul>	<ul style="list-style-type: none"> <li>Does not mandate benefit, although private employers may offer to employees</li> </ul>
Military Leave	<p>Right to return to job after up to 5 years of military service:</p> <ul style="list-style-type: none"> <li>must provide advanced notice to employer</li> <li>must receive honorable discharge</li> </ul>	<p>Right to return to job after 18 months of service, or longer when provided by law:</p> <ul style="list-style-type: none"> <li>must provide 4 weeks of notice to employer before leaving job and 3 weeks of notice before returning to work</li> <li>must have worked for one year prior to leave</li> </ul>	<p>Right to return to job after time necessary to engage in operation:</p> <ul style="list-style-type: none"> <li>must provide employer with reasonable written notice</li> <li>employee must have worked for at least 6 months prior to leave</li> </ul>	<p>Right to return to job after time necessary to engage in service:</p> <ul style="list-style-type: none"> <li>must provide employer with four weeks of written notice before leaving job and 4 weeks of notice before returning to work</li> <li>employee must have worked for at least 26 weeks prior to leave</li> </ul>

<sup>1</sup> Gouvernement du Québec, 2013 (unless noted otherwise)

<sup>2</sup> Ontario Ministry of Labour, 2013 (unless noted otherwise)

<sup>3</sup> Government of Alberta, 2013 (unless noted otherwise)

<sup>4</sup> U.S. Department of Labor, 2013

Leave	United States	Québec	Ontario	Alberta
Funeral Leave	Not federally regulated	<ul style="list-style-type: none"> <li>• <i>(Unpaid)</i> Employee eligible for 1 day of leave and up to 4 additional days of leave after death of immediate relative</li> <li>• <i>(Unpaid)</i> For less immediate relatives (grandfather, daughter-in-law, etc.) employee is eligible for 1 day of leave</li> </ul>	<ul style="list-style-type: none"> <li>• <i>(Unpaid)</i> Employee may take up to 10 days of leave per year for emergencies, including death of employee's immediate relative or dependent</li> </ul>	No regulated emergency leave
Vacation Leave	Not federally regulated <sup>5</sup>	<ul style="list-style-type: none"> <li>• <i>(Paid)</i> Less than 1 year of service accrues 1 day per month</li> <li>• 1-5 years of service accrues 2 uninterrupted weeks</li> <li>• 5 or more years of service accrues 3 uninterrupted weeks</li> <li>• <i>(Unpaid)</i> After 1 year of service an employee may take an additional week of leave</li> </ul>	<ul style="list-style-type: none"> <li>• <i>(Paid)</i> 2 weeks of vacation per 12 months worked</li> <li>• Must be taken within 10 months</li> <li>• Employer may schedule if not taken</li> <li>• Must be paid when employment ends</li> </ul>	<ul style="list-style-type: none"> <li>• <i>(Paid)</i> 2 weeks of vacation after each of the first four years</li> <li>• <i>(Paid)</i> 3 weeks per year thereafter</li> <li>• Must be paid when employee terminates</li> </ul>
Maternity & Paternity	See Family Medical Leave	<ul style="list-style-type: none"> <li>• <i>(Unpaid)</i> 18 weeks of maternity leave</li> <li>• <i>(Unpaid)</i> 5 weeks of paternity leave</li> <li>• <i>(Unpaid)</i> Up to 52 weeks of additional parental leave</li> <li>• <i>(All of Canada)</i> Employment Insurance Act provides salary replacement of 55%, to a maximum of \$501/week (adjust annually)<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• <i>(Unpaid)</i> 35-37 consecutive weeks for both parents</li> <li>• <i>(Unpaid)</i> Up to 17 weeks of pregnancy leave</li> </ul>	<ul style="list-style-type: none"> <li>• <i>(Unpaid)</i> 15 consecutive weeks maternity</li> <li>• <i>(Unpaid)</i> Up to 37 consecutive weeks parental leave</li> <li>• <i>(Unpaid)</i> Parental leave may be split, but not exceed 37 weeks total</li> </ul>

**Conclusion:** Just as states have different employment laws, the employment laws in Canada can vary drastically by province. This table provides a quick guide of leave regulations. Please note that this does not constitute legal advice. For further information, please consult the helpful websites listed in the bibliography or legal counsel.

<sup>5</sup> U.S. Department of Labor, 2013

<sup>6</sup> Government of Canada, 2013

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