

# CARER LEAVE POLICIES IN CANADA



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Caring for family members alongside paid work is increasingly common and the global longevity revolution means this will continue. Combining care work and paid work has well-known consequences for carers and their families, their employers, the labour force and economies. Some governments have introduced strategies that let carers take time away from their jobs to fulfill care responsibilities while still being able to return to their job afterwards. To inform development of carer leaves in the UK, an international policy scan was carried out in nine other countries (Australia, Canada, Finland, Germany, Italy, Japan, Poland, Slovenia, Sweden) as part of the [Sustainable Care](#) program.

This Policy snapshot provides an overview of carer leave initiatives in Canada. These policies and their implications for working carers are part of a forthcoming edited book J Fast, J Heyes, and K Hamblin, **Combining Work and Care**, that will be published by Policy Press.

The support of the Economic & Social Research Council (award ES/P009255/1, Sustainable Care: connecting people and systems, 2017-21, Principal Investigator Sue Yeandle, University of Sheffield) is gratefully acknowledged.

## CANADA'S POLITICAL CONTEXT

Canada has a federated government system comprising 1 federal, 10 provincial and 3 territorial governments with municipal governments (cities, towns, villages) also playing a role.

While Canada's Constitution distributes the power to regulate different policy domains among these levels of government, there is much overlap in some policy domains (e.g. health, labour, income security, family policy). The result is variability across jurisdictions in eligibility and benefits.

Canada is considered a liberal welfare state with an inclination toward more collectivist values.<sup>1,2</sup> Despite this inclination, it is expected that individuals will be responsible for meeting their own day-to-day needs as and when they can.

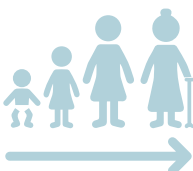
## CANADA'S SOCIO-ECONOMIC CONTEXT



64.9% of men and 57.1% of women were in the labour force in October 2021, down slightly from 65.7% of men and 58.0% of women in February 2020 (pre-pandemic).



5.7% unemployment rate in February 2020 (pre-pandemic), rose to a high of 13.7% in May 2020, and is 6.7% as of October 2021.



Proportion of Canadians aged 65 and older in the population is expected to rise from 18% (6.8 million) in 2020 to 25% (10.4 million) by 2036.



30% of the paid labour force in Canada were carers (5.6 million people) in 2012 (the most recent national data available).

1. Olsen, G.M. (2007). Toward global welfare state convergence: Family policy and health care in Sweden, Canada and the United States. *Journal of Sociology and Social Welfare*, 34(2), 143-164.

2. Olsen, G.M. (2018). Protective legislation: The "third pillar" of the welfare state. *Social Policy & Administration*, 53(3), 478-492.

# FAMILY RESPONSIBILITY LEAVE (FRL)

## INTENT

Allows eligible employees to meet responsibilities for the care, health, or education of a child or other immediate family members.<sup>3</sup>

For employees covered by the Canada Labour Code, first 3 (of 5) days are paid at regular rate, if the employee has worked for the same employer 3 or more consecutive months.

Maximum length of FRL varies across jurisdictions from 3 to 12 days.

Annual entitlement does not carry over from year to year if unused.

FRL can be taken in one day increments (two jurisdictions allow half-day increments).

## BENEFITS

Otherwise employers are not required to pay wages or benefits during FRL unless stated in an employment contract or collective agreement.

## DURATION

## IMMEDIATE FAMILY MEMBERS<sup>4</sup>

Most jurisdictions in Canada have a broad and inclusive definition that includes close kin as well as other relatives and individuals considered to be 'like family', whether or not related by marriage, common-law partnership, or any legal parent-child relationship.

## ELIGIBILITY CRITERIA

Federal FRL applies only to employees in federally regulated industries (~10%); provinces have FRL covering other workers.

No minimum service period in British Columbia, Quebec or New Brunswick; other jurisdictions require between 2 consecutive weeks and 8 consecutive months of employment.

Available for care to immediate family; definition varies somewhat across jurisdictions and typically includes partner/spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, and any person who lives with an employee as a member of the employee's family.

## FEATURES

Family Responsibility Leave is an employee entitlement; employers have no discretion to grant or not to grant FRL.

Most eligible employees can take time off to attend to family responsibilities without losing their job.

Applies to care or health of family members and is not restricted to caring for those with critical illness or at end-of-life.

## NOTICE

Employees are expected to give employers reasonable notice and sufficient information to determine employee entitlement.

Specific notice requirements vary across jurisdictions (from none to a written statement about nature of leave for absences exceeding 3 days).

3. Family Responsibility Leave - Canada Labour Code

<https://lois-laws.justice.gc.ca/eng/acts/L-2/index.html>

4. Employment Insurance Caregiving Benefits and Leave

<https://www.canada.ca/en/services/benefits/ei/caregiving.html>

# COMPASSIONATE CARE LEAVE (CCL)

## INTENT

Provides unpaid job protected leave to provide care or support to a family member with a serious medical condition with a significant risk of death within 26 weeks.<sup>4</sup>

Maximum length varies across jurisdiction (8 to 28 weeks); most provide 27 or 28 weeks leave.

Can be taken in 1-week increments. Separate, non-consecutive shorter periods can be taken if the family member has multiple episodes of a serious medical condition.

Leave may be shared among more than one family carer.

Total amount of leave taken by all claimants cannot equal more than the maximum allowable within a 52-week period.

## BENEFITS

Eligible employees may be entitled to Compassionate Care Benefits under the Employment Insurance Act.

Following a 1-week waiting period, EI benefits are paid up to 55% of earnings, to a maximum of \$595 CDN per week in 2021.<sup>5</sup>

## DURATION

## ELIGIBILITY CRITERIA

Canada Labour Code applies to employees working in federally regulated industries. Provincial employment standards apply to most others. Self-employed individuals are eligible if registered for federal Employment Insurance Special Benefits.

Employee must have 600 insured hours of work in the 52 weeks before the start of their claim, or since the start of their last claim.

No minimum length of service in most jurisdictions; varies from 1 to 3 months in others.

Regular weekly earnings from work must have decreased by at least 40% for at least one week because of the need to take time off from work to provide care or support.

## FEATURES

Employer may not dismiss, suspend, lay off, demote or discipline an employee because the employee has taken or intends to take CCL.

Employee must be reinstated in the same or comparable position in the same location and with the same wages and benefits.

Employer cannot take the leave into account in decisions to promote or train an employee.

Employees may still be eligible to receive caregiving benefits if they leave Canada to care for a person at end-of-life.

Leave is renewable for a further 8 weeks in British Columbia and Ontario if the family member does not die within 26 weeks; a new medical certificate is required.

Federally regulated employees may renew CCL if the family member's condition continues after expiry of the initial 52 weeks.

## NOTICE

Certification of a serious medical condition with significant risk of death by a medical doctor or nurse practitioner is required.

Employer notification is required 'as soon as possible' in most jurisdictions. Some jurisdictions require one pay period notice, or two week's notice.

4. Compassionate Care Leave – Employment and Social Development Canada  
<https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards/leaves.html>

5. Employee Insurance Benefits – Government of Canada  
<https://www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html>

# CRITICAL ILLNESS LEAVE (CIL)

## INTENT

### FOR CHILDREN

Supports employees caring for a critically ill or injured child under 18 years of age.<sup>6</sup>

### FOR ADULTS

Supports employees caring for a critically ill or injured adult age 18 or older.<sup>6</sup>

## BENEFITS

Following a 1-week waiting period, Family Caregiving Benefits of up to 55% of earnings, to a maximum of \$595 per week (in 2021) are paid, for up to **35** weeks.

Following a 1-week waiting period, Family Caregiving Benefits of up to 55% of earnings, to a maximum of \$595 per week (in 2021) are paid, for up to **15** weeks.

## DURATION

Up to **37** weeks of leave for eligible working carers.

Up to **17** weeks of leave for eligible working carers.

## ELIGIBILITY CRITERIA

Employee must be caring for a critically ill or injured person (someone whose health status has changed significantly because of illness or injury that puts their life at risk and results in a need for care). If the cared-for person has a pre-existing medical condition, there must be a new and acute life-threatening event.

Employee must have accumulated 600 insured hours of work in the 52 weeks preceding their claim. Regular weekly earnings from work must have decreased by more than 40% for at least one week because the employee needs to take time away from work to provide care or support to the care receiver.

Self-employed individuals are eligible if they have been registered for access to Employment Insurance Special Benefits for at least 12 months, reduced the time spent on their business by more than 40% for at least one week because of the need to provide care, and have a minimum of \$5,000 net earnings (for 2021) from their business during the calendar year preceding the claim.

## FEATURES

The Canada Labour Code protects employees from dismissal, lay off, suspension, demotion or discipline if absent to provide care due to critical illness.

Maximum weeks of benefits can be shared among eligible caregivers, either at the same time or sequentially.

Employees may still be eligible to receive caregiving benefits if they leave Canada to care for a critically ill or injured person needing care.

## NOTICE

Certification of the care receiver's critical condition from a doctor or nurse practitioner is required.

Employers must be notified 'as soon as possible'.

<sup>6</sup> Critical Illness Leave (CIL) - Employment Insurance (EI) Benefits - <https://www.canada.ca/en/services/benefits/ei/caregiving.html>