



Check it out! www.cupe997.ca

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FACT SHEET

FAMILY MEDICAL LEAVE

AS A RESULT OF OUR COLLECTIVE AGREEMENT, CUPE 997 MEMBERS WHO ARE ELIGIBLE TO TAKE FAMILY MEDICAL LEAVE MAY BE ELIGIBLE FOR TOP UP PAYMENTS TO THEIR E.I BENEFITS TO PROVIDE 100% OF REGULAR PAY WHILE OFF WORK FOR UP TO 8 WEEKS.

WE SUGGEST THAT THE LEAVE BEGIN ON A MONDAY TO MAXIMIZE THE BENEFIT AVAILABLE. THE LEAVE CAN BEGIN LATER IN THE WEEK, HOWEVER A FULL WEEK IS TAKEN REGARDLESS WHAT DAY OF THE WEEK THE LEAVE STARTS.

Family medical leave is leave from work of up to 8 weeks in a 26 week period and may be taken to provide care or support to certain family members and people who consider the employee to be like a family member in respect of whom a qualified health practitioner has issued a certificate indicating that he or she has a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

For more detailed information on Family Medical Leave go to <http://www.labour.gov.on.ca> and search for Family Medical Leave.

Eligibility

All employees, whether full-time, part-time, permanent, or term contract, who are covered by the ESA (Employments Standards Act) are entitled to family medical leave.

There is no requirement that an employee be employed for a particular length of time, or that the employer employ a specified number of employees in order for the employee to qualify for family medical leave.

Care or support includes, but is not limited to: providing psychological or emotional support; arranging for care by a third party provider; or directly providing or participating in the care of the family member.

The specified **family members** for whom a family medical leave may be taken are:

- the employee's spouse (including same-sex spouse)
- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, step-child or foster child of the employee or the employee's spouse
- a brother, step-brother, sister, or step-sister of the employee



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- a grandparent or step-grandparent of the employee or of the employee's spouse
 - a grandchild or step-grandchild of the employee or of the employee's spouse
 - a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee
 - a son-in-law or daughter-in-law of the employee or of the employee's spouse
 - an uncle or aunt of the employee or of the employee's spouse
 - a nephew or niece of the employee or of the employee's spouse
 - the spouse of the employee's grandchild, uncle, aunt, nephew or niece
 - family medical leave may also be taken for a person who considers the employee to be like a family member. Employees wishing to take a family medical leave for a person in this category must provide their employer, if requested, with a completed copy of the [Compassionate Care Benefits Attestation form](#), available from [Employment and Social Development Canada](#), whether or not they are making an application for EI Compassionate Care Benefits or are required to complete the form to obtain such benefits.

The specified family members do not have to live in Ontario in order for the employee to be eligible for family medical leave.

Copied below is language directly from our Collective Agreement

C12.00 STATUTORY LEAVES OF ABSENCE/SEB

C12.1 Family Medical Leave or Critically Ill Child Care Leave

- a) Family Medical Leave or Critically Ill Child Care leaves granted to an employee under this Article shall be in accordance with the provisions of the *Employment Standards Act*, as amended.
- b) The employee will provide to the employer such evidence as necessary to prove entitlement under the ESA.
- c) An employee contemplating taking such leave(s) shall notify the employer of the intended date the leave is to begin and the anticipated date of return to active employment.
- d) Seniority and experience continue to accrue during such leave(s).
- e) Where an employee is on such leave(s), the Employer shall continue to pay its share of the benefit premiums, where applicable. To maintain participation and coverage under the Collective Agreement, the employee must agree to provide for payment for the employee's share of the benefit premiums, where applicable.



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- f) In order to receive pay for such leaves, an employee must access Employment Insurance and the Supplemental Employment Benefit (SEB) in accordance with g) to j), if allowable by legislation. An employee who is eligible for E.I. is not entitled to benefits under a school board's sick leave and short term disability plan.

Supplemental Employment Benefits (SEB)

- g) The Employer shall provide for permanent employees who access such Leaves, a SEB plan to top up their E.I. Benefits. The permanent employee who is eligible for such leave shall receive 100% salary for a period not to exceed eight (8) weeks provided the period falls within the work year and during a period for which the permanent employee would normally be paid. The SEB Plan pay will be the difference between the gross amount the employee receives from E.I. and their regular gross pay.
- h) Employees completing a term assignment shall also be eligible for the SEB plan with the length of the benefit limited by the length of the assignment.
- i) SEB payments are available only to supplement E.I. benefits during the absence period as specified in this plan.
- j) The employee must provide the Board with proof that he/she has applied for and is in receipt of employment insurance benefits in accordance with the *Employment Insurance Act*, as amended, before SEB is payable.

For more information about how/if you qualify for the top-up payment for up to 8 weeks while on Family Medical Leave please contact the CUPE 997 Office.