



A Guide for Employers

# Personal and Family Responsibility Leave

Alberta

June 2019



PENINSULA

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## Managing Personal and Family Responsibility Leave

Do you have an effective and updated leave policy in place? Use this guide to learn about your employer obligations in relation to Personal & Family Responsibility Leave and how to better manage employee absences.

Understanding employee's rights is crucial to their management and also to the correct function of your business. Establishing a clear leave policy will prevent excessive absence and will assure your employees of their rights should they need to take leave.

By taking the time to understand Alberta's labour laws, you will be able to protect your business through compliance and provide a professional and supportive work environment to your employees. Continue reading to learn how to apply our HR best practices to Personal & Family Responsibility Leave in your workplace.

**Employers in Alberta must provide employees with five days of unpaid job-protected Personal and Family Responsibility Leave each calendar year.**



## **Understanding Personal and Family Responsibility Leave**

Once employees have been employed for 90 days, they become entitled to five days of Personal & Family Responsibility Leave per year. This is regardless of their work hours or the size of the business they work for.

Personal and Family Responsibility Leave can be taken for personal illness, injury and health matters, or if an employee has to meet their family responsibilities. The leave may be taken in half day increments if both the employee and employer agree. The Employment Standards Code (ESC) does not require this leave to be paid.

Employees must give their employer notice before taking leave or as soon as they can once it has started. Notice does not necessarily have to be given in writing.

### **Which family members are covered under Personal and Family Responsibility Leave?**

An employee can take Personal & Family Responsibility Leave for the following immediate family members:

- A spouse, partner, adult interdependent or common-law partner
- A parent, foster parent or guardian
- A child, foster child, wards and partner's children
- A grandparent
- A grandchild
- Any other person living with the employee as a family member

## **Requesting Evidence for Leave**

Employees are not required to provide documentation or a medical certificate in order to take leave. However, employers may create their own policies for requiring documentation.

### **Designating Absences as Personal and Family Responsibility Leave**

Under the ESC, the employee (rather than the employer) decides whether to designate an absence as Personal and Family Responsibility Leave.

An employee entitled to Personal and Family Responsibility Leave may decide not to claim the absence as such. In this case, they decide not to exercise their leave entitlements.

### **What if the employee fails to notify their employer?**

If an employee fails to provide notice, they do not lose their right to take leave. The ESC specifically allows for situations where the employee may not be able to notify the employer in advance, especially in the case of a traumatic and sudden event involving a family member.

An employer may choose to discipline an employee who failed to give notice when they were able to do so. However, they must make it clear that the penalization is for failing to give notice, not for taking leave.

## **Do you have a Personal and Family Responsibility Leave policy in place?**

You can use your workplace policies to manage absences better and to guide employees on how to take Personal and Family Responsibility Leave correctly. Employment agreements and employee handbooks are the ideal place to state your leave expectations.

For an effective Personal and Family Responsibility Leave policy, you should do the following:

1. Check the ESC to make sure you are meeting the minimum requirements of existing legislation.
2. Be clear about whether you provide pay during Personal and Family Responsibility Leave.
3. Describe the arrangements and procedures for noting absences.
4. Give instruction on how to request extended leave.
5. Outline how employees can access and receive assistance after returning to work from leave.

## **Employer FAQs**

### **What are employers asking about Personal and Family Responsibility Leave?**

#### **1. What is the definition of Personal and Family Responsibility Leave?**

Personal and Family Responsibility Leave is a job-protected leave that allows employees to take time off due to personal illness, injury and health issues, or to meet their responsibilities in relation to a family member.

#### **2. How many Personal and Family Responsibility Leave days can an employee take?**

Employees are entitled to five days of unpaid leave.

#### **3. Do employers have to provide pay for personal and family responsibility leave?**

No, Personal and Family Responsibility Leave is unpaid. However, an employer may pay the employee during their absence if they wish.

#### **4. Can an employee take Personal and Family Responsibility Leave in segments?**

Yes, the leave can be taken in half day increments if both the employee and employer agree.

#### **5. Can an employee take Personal and Family Responsibility Leave for someone who is not an immediate family member?**

Yes, but only if they are another person living with the employee as a family member.

including documentary information relating to a family member who relies on the employee for care and assistance.

#### **6. If an employee starts working part way through the year, how many leave days do they get?**

All employees are entitled to five days of Personal and Family Responsibility Leave in a calendar year, regardless of when they begin working.

#### **7. Do employees need to request Personal and Family Responsibility Leave from their employer?**

Yes. Employees must tell their employers if they are taking Personal and Family Responsibility Leave before or right after it starts. However, this does not need to be in writing.

## **8. Can employers ask for proof for Personal and Family Responsibility Leave?**

Yes. Employers can ask for evidence of the family responsibility if the circumstances are reasonable, including documentary information relating to a family member who relies on the employee for care and assistance.

### **Learn More**

If you have questions about the Ministry of Labour or the Employment Standards Code, call Peninsula today. We are dedicated to providing small business owners with HR support.

# **1 (833) 247- 3652**

**We've got you covered.**

**Schedule A Callback**

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