

Information on LABOUR STANDARDS

6 BEREAVEMENT LEAVE

Part III of the *Canada Labour Code* (Labour Standards)

The *Canada Labour Code* provides for bereavement leave in Division VIII of Part III.

The following questions and answers will be of interest to employers and employees under federal jurisdiction. Pamphlet 1 of this series describes the types of businesses covered by the *Code*. It is available from any Labour Program office of Human Resources and Skills Development Canada and on the HRSDC website.

1. What is the bereavement leave entitlement under the *Code*?

When a member of an employee's immediate family dies, the employee is entitled to leave on any normal working day that falls within the three-day period immediately following the day the death occurred.

2. Who is entitled to bereavement leave?

All employees without exception.

3. Is an employee entitled to be paid for bereavement leave?

Yes, provided the employee has been continuously employed for three consecutive months. Employees without the necessary continuous employment are entitled to leave without pay.

4. What is the maximum number of leave days under this provision?

Three days.

5. Is bereavement leave additional to regular days off?

No. Bereavement leave covers only scheduled working days. For example, if a member of an employee's immediate family dies on a Friday, and the employee's regular days off were Saturday and Sunday, bereavement leave would only apply to the Monday.

Similarly, if the death occurred during an employee's vacation, bereavement leave would not apply.

6. Who is included in the "*immediate family*"?

The employee's spouse or common-law partner; the employee's father and mother and the spouse or common-law partner of the father or mother; the employee's child(ren) and the child(ren) of the employee's spouse or common-law partner; the employee's grandchild(ren); the employee's brothers and sisters; the grandfather and grandmother of the employee; the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

"Common-law partner" means a person who has been cohabiting with an individual in a conjugal relationship for at least one year, or who had been so cohabiting with the individual for at least one year immediately before the individual's death.

7. Are there cases where the bereavement leave provisions of a collective agreement apply exclusively?

Yes. The bereavement leave provisions of the *Code* do not apply to employers and employees who are parties to a collective agreement that provides rights and benefits at least as favourable as those in the *Code* and where there is provision for third party settlement. In this case, the settlement of disagreements relating to bereavement leave issues is governed exclusively by the collective agreement.

This publication is provided for information only. For interpretation and application purposes, please refer to Part III of the *Canada Labour Code* (Labour Standards), the *Canada Labour Standards Regulations*, and relevant amendments.

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