

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**

**BY-LAW NO. 2018 - 03**

**Being a By-law to adopt an emergency leave policy.**

**WHEREAS** the 2016-2018 Collective Agreement between the Municipality of Magnetawan and the Canadian Union of Public Employees Local 1813-11 allows for sick days for employees;

**AND WHEREAS** the Collective Agreement states that any such sick leave shall be in accordance with Magnetawan's current practice;

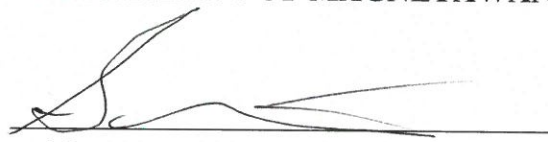
**AND WHEREAS** Section 50 of the *Employment Standards Act, 2000, S.O. 200, c.41*, entitles an employee to personal emergency leave under certain circumstances;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. **THAT** the Magnetawan Emergency Leave Policy shall be adopted in the form attached hereto as Schedule 'A' and forming part of this by-law;
2. **AND THAT** the Emergency Leave Policy shall replace the Sick Days Policy as Magnetawan's current practice in regard to the Collective Agreement allowance for sick days;
3. **AND THAT** this Policy shall come into effect retroactive to January 1, 2018;
4. **AND THAT** By-law 2016-43, being a By-law to adopt a Sick Days Policy, is hereby repealed.

**READ A FIRST, SECOND, AND THIRD TIME**, passed, signed and the Seal of the Corporation affixed hereto, this 10<sup>th</sup> day of January, 2018

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

  
Mayor

  
Clerk-Administrator



**SCHEDULE 'A' to BY-LAW 2018-03**  
**MAGNETAWAN EMERGENCY LEAVE POLICY**

January 10<sup>th</sup>, 2017

**POLICY STATEMENT**

The Municipality of Magnetawan is committed to promoting and maintaining high levels of attendance in the workplace. It is acknowledged that there may be times when an employee will need to be away from work due to personal emergency or illness.

For the purposes of this policy, Sick Days are defined as in Section 19.01 of the CUPE 1813-11 Collective Agreement, as being those scheduled working days that an employee is permitted to be absent from work with full pay by virtue of being sick or disabled, or because of an accident for which compensation is not payable under the *Workers' Compensation Act*.

As per *Bill 148, Fair Workplaces, Better Jobs Act, 2017* employees are entitled up to ten (10) days leave for personal emergency in a calendar year, after being employed with the organization for a minimum of one (1) week. The Act defines entitlement to a personal emergency leave day as:

1. A personal illness, injury or medical emergency.
2. The death, illness, injury or medical emergency of an individual described in subsection (2).
3. An urgent matter that concerns an individual described in subsection (2).

Subsection (2) of the Act applies in respect of the following individuals:

1. The employee's spouse.
2. A parent, step-parent or foster parent of the employee or the employee's spouse.
3. A child, step-child or foster child of the employee or the employee's spouse.
4. A child who is under legal guardianship of the employee or the employee's spouse.
5. A brother, step-brother, sister or step-sister of the employee.
6. A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse.
7. A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.
8. A son-in-law or daughter-in-law of the employee or the employee's spouse.
9. An uncle or aunt of the employee or the employee's spouse.
10. A nephew or niece of the employee or the employee's spouse.
11. The spouse of the employee's grandchild, uncle, aunt, nephew or niece.
12. A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.
13. Any individual prescribed as a family member for the purposes of this section.

Although an employee is entitled to ten (10) days of personal emergency leave, the two (2) paid days must be taken prior to any unpaid days in a calendar year. Employees must supply evidence of entitlement to personal emergency leave days, at the Department Heads request. The Municipality is not permitted to require a certificate from a qualified health practitioner for personal emergency leave days.



## **PURPOSE**

The purpose of this policy is to establish processes for employees to follow including a uniform procedure for the treatment of employee absences from work for Personal Emergency Leave, as stated in *Bill 148*, and Sick Days as outlined in the CUPE 1813-11 Collective Agreement.

## **APPLICATION**

This policy applies to all Municipal employees.

## **PROCEDURES**

1. The Municipality shall grant each employee as per the following schedule:

2016 calendar year:	ONE (1) Sick Day
2017 calendar year:	TWO (2) Sick Days
2018 calendar year:	TWO (2) Personal Emergency Leave days and ONE (1) Sick Day
2. The Municipality expects employees to use Sick Days for legitimate personal illnesses only.
3. If an employee chooses to use a Personal Emergency Leave Day or Sick Day, the employee shall provide their Department Head with as much notice as possible prior to the start of the employee's shift.
4. The Department Head may allow an employee to use a ONE-HALF (1/2) Personal Emergency Leave or Sick Day instead of a whole Day upon the employee's request. No Personal Emergency Leave or Sick Day shall be split into a segment smaller than ONE-HALF (1/2) of a Day.
5. Sick Days shall only be applied retroactively within an employee's current pay period and with the consent of their Department Head.
6. If an employee uses all of their Personal Emergency Leave Days and Sick Days within the year, any additional leave time required is subject to the approval of the Department Head and shall be without pay unless the employee chooses to apply any remaining vacation days.
7. Unused Personal Emergency Leave and Sick Days within the current year shall not be carried forward to the next year.
8. Employees who are eligible under the current benefits plan and who are sick for SEVEN (7) consecutive days or who use SEVEN (7) consecutive Sick Days can apply for Short Term Disability benefits as per the policies of the current benefits provider.
9. Special circumstances may be approved by the Clerk-Administrator and Department Head.

## **CONSEQUENCES OF NON-COMPLIANCE**

Failure to adhere to the requirements outlined in this Policy may lead to progressive disciplinary action up to and including termination of employment.

## **REVIEW CYCLE**

This policy shall be reviewed by the Senior Management Team in conjunction with CUPE Collective Bargaining, with the first review to be performed in 2018. Substantive changes to this policy shall require Council approval.