

ELIGIBILITY EXPANDED FOR ONTARIO'S FAMILY MEDICAL LEAVE

In June 2004, the government created Family Medical Leave. An employee can take up to eight weeks of job-protected, unpaid leave to provide care or support to a specified family member who has a serious medical condition with a significant risk of death occurring within a period of 26 weeks. The medical condition and risk of death must be confirmed in a certificate issued by a qualified health practitioner.

The eligible family members for whom an employee can take Family Medical Leave to assist have been:

- The employee's spouse (including same-sex spouse);
- A parent, step-parent or foster parent of the employee;
- A child, step-child or foster child of the employee or the employee's spouse.

The list now expands to additional people including:

- Siblings;
- Grandparents, grandchildren;
- Certain in-laws;
- Aunts, uncles;
- Nieces, nephews;
- Certain step-relationships;
- A person who considers the employee to be like a family member.

A medical certificate issued by a qualified health practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks is required. Also, for those employees taking leave under the broad category of "like a family member", a federal attestation form is required.

The federal government developed a "Compassionate Care Benefits Attestation" form that is required for those persons applying for the Employment Insurance Compassionate Care Benefit under the "like a family member" category. The form needs to be signed by the gravely ill person or his or her legal representative, confirming that the caregiver is "like a family member".

An employer can request these documents from an employee who is taking Family Medical Leave to confirm the employee's eligibility, regardless of whether the employee is applying for the Employment Insurance Compassionate Care Benefit.

For information on exactly how the new eligibility works, visit http://www.labour.gov.on.ca/english/es/fml_index.html or phone toll-free 1-800-531-5551.

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