



POLICY

POLICY: **D-3**
SUBJECT: **LEAVES OF ABSENCE - ESA**
EFFECTIVE: **JANUARY 11, 2023**
SUPERCEDES: **JUNE 9, 2020**

POLICY

City Cruises Canada recognizes that crew members may need time away from work to attend to personal matters.

1.0 PERSONAL LEAVE OF ABSENCE

- 1.1 Crew members who have completed their 90-day Introductory period, regardless of status, may take up to ninety (90) days of unpaid leave to tend to personal matters.
- 1.2 A request for a leave is to be submitted on a "Crew Leave Request" form. Approval for a leave may be granted by managers on a case-by-case basis, based on operational requirements.
- 1.3 All available vacation time and lieu time will be applied to the personal leave of absence.
- 1.4 Crew members have the option to apply sick time (over annual allotment) for payment during the leave.
- 1.5 During a personal leave of absence, crew members will not accrue vacation and sick time for the duration of the leave.
- 1.6 If an extension is necessary, crew members must contact their manager and obtain approval.
- 1.7 Crew member who enters gainful employment or expanded work hours in another job while on leave will have their employment separated unless specific permission was obtained in advance.
- 1.8 Failure to return from an approved leave on the specified date of return is considered job abandonment.

Company Policy D-3 Leaves of Absence	Revision date: January 11, 2023	Approved by: LM
<i>Uncontrolled when printed</i>	Page 1 of 8	RMS Document

2.0 FAMILY MEDICAL LEAVE

- 2.1** Employment Standards Act (ESA) provides all crew members, regardless of status or length of service, the ability to take up to twenty-eight (28) weeks in a 52-week period of unpaid job-protected leave.
- 2.2** The leave is taken to provide care and support to a family member for whom a qualified health practitioner has issued a certificate stating that the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks.
- 2.3** The twenty-eight (28) weeks of Family Medical Leave do not have to be taken consecutively. A crew member may take a single week (Sunday to Saturday) of leave at a time. Partial weeks taken will count as a full week of leave.
- 2.4** Family Medical/Compassionate Care Leave may be taken for any of the following individuals:
- crew member's spouse
 - parent, stepparent or foster parent of the crew member or their spouse
 - child, stepchild or foster child of the crew member or the crew member's spouse
 - child who is under legal guardianship of the crew member or crew member's spouse
 - brother, stepbrother, sister or stepsister of the crew member
 - grandparent, step grandparent, grandchild or step grandchild of the crew member or the crew member's spouse
 - brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the crew member
 - son-in-law or daughter-in-law of the crew member or the crew member's spouse
 - uncle or aunt of the crew member or crew member's spouse
 - nephew or niece of the crew member or the crew member's spouse
 - the spouse of the crew member's grandchild, uncle, aunt, nephew or niece
 - a person who considers the crew member to be like a family member

2.5 If a crew member has taken a Family Medical Leave to care for a family member who has not passed away within the fifty-two (52) week period, the crew member is entitled to an additional leave with the original medical documentation.

3.0 FAMILY CAREGIVER LEAVE

3.1 The Employment Standards Act (ESA) provides all crew members, regardless of status or length of service, the ability to take eight (8) weeks of unpaid job-protected leave in a calendar year.

3.2 The leave is taken to provide care and support to a family member for whom a qualified health care practitioner has issued a certificate stating that the family member has a serious medical condition.

3.3 Family members under this Family Caregiver Leave applies the following:

- crew member's spouse
- parent, stepparent or foster parent of the crew member or their spouse
- child, stepchild or foster child of the crew member or crew member's spouse
- grandparent, step-grandparent, grandchild or step-grandchild of the crew member or the crew member's spouse
- spouse of the crew member's child
- brother or sister of the crew member
- relative of the crew member who is dependent on the crew member for care and assistance

3.4 The eight (8) weeks of Family Caregiver Leave do not have to be taken consecutively. A crew member may take a single week (Sunday to Saturday) of leave at a time. Partial weeks taken will count as a full week of leave.

4.0 CRITICAL ILLNESS LEAVE

4.1 The Employment Standards Act (ESA) provides crew members with an unpaid job-protected leave of absence to care with a critically ill adult or child.

- 4.2** Crew members must be employed for at least six (6) consecutive months to be eligible for Critical Illness Leave. Documentation from a qualified health practitioner is required to support the leave.
- 4.3** For a critically ill minor child, the crew member may take up to thirty-seven (37) weeks of unpaid job-protected leave in a fifty-two (52) week period.
- 4.4** For a critically ill adult, the crew member may take up to seventeen (17) weeks of unpaid job-protected leave in a fifty-two (52) week period.
- 4.5** If the certificate issued by the qualified health practitioner is less than the periods specified in **4.3** and **4.4**, the crew member is entitled to take the leave for the number of weeks specified in the certificate.
- 4.6** A child under this leave refers to a child, stepchild or foster child of the crew member or the crew member's spouse who is under eighteen (18) years of age.
- 4.7** An adult under this leave refers to a family member who is eighteen (18) years or older. Family members as defined by the ESA under this leave include:
- crew member's spouse
 - parent, stepparent or foster parent of the crew member or the crew member's spouse
 - child, stepchild or foster child of the crew member or the crew member's spouse
 - brother, stepbrother, sister or stepsister of the crew member
 - grandparent, step-grandparent, grandchild or step-grandchild of the crew member or the crew member's spouse
 - brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the crew member
 - son-in-law or daughter-in-law of the crew member or the crew member's spouse
 - uncle, aunt, nephew or niece of the crew member or the crew member's spouse
 - a person who considers the crew member to be like a family member

- 4.8 The leave may be used by one crew member or split between two or more crew members for the same child or adult. The weeks do not have to be taken consecutively.
- 4.9 If a critically ill child or critically ill adult passes away while a crew member is on leave, the crew member's leave entitlement will finish at the end of the week in which the child or adult passes away.
- 4.10 Crew members are advised to speak with Human Resources to determine eligibility, required documentation and process.

5.0 CHILD DEATH LEAVE OR CRIME-RELATED CHILD DISAPPEARANCE LEAVE

- 5.1 The Employment Standards Act (ESA) provides crew members with an unpaid job-protected leave of absence in relation to a death of a child who has disappeared or died as a result of a probable crime.
- 5.2 Crew members who have been employed with City Cruises Canada for at least six (6) consecutive months are eligible for Child Death Leave or Crime-Related Child Disappearance Leave. Documentation may be requested from the crew member to support the leave.
- 5.3 The crew member may take up to one hundred and four (104) weeks if a child of the crew member disappears or dies and it is probable that the disappearance and/or death is a result of a crime.
- 5.4 Crew members are advised to speak with Human Resources to determine eligibility and for a definition of a child. Requests for leave must be submitted in writing on the Crew Leave Request form. They must include a written plan that indicates the weeks in which the crew member will take the leave.
- 5.5 Where a crew member is on this leave for a crime-related disappearance of a child and the child is found within the one hundred and four (104) week period, the crew member is entitled to remain on leave for an additional fourteen (14) days from the day the child is found.
- 5.6 A crew member is not entitled to the leave if they are charged with the crime or if it is probable, considering the circumstances, that the child was a party to the child's disappearance and/or death.

6.0 DOMESTIC OR SEXUAL VIOLENCE LEAVE

- 6.1** The Employment Standards Act (ESA) provides a crew member with a job-protected leave of absence if the crew member or a child of the crew member experience or been threatened with domestic or sexual violence.
- 6.2** A child defined under this leave is a child, stepchild or foster child, or a child who is under legal guardianship and is under eighteen (18) years of age.
- 6.3** Crew members who have been employed with City Cruises Canada for at least thirteen (13) consecutive weeks are eligible for Domestic or Sexual Violence Leave. The crew member is entitled to take, in a calendar year:
- Up to ten (10) days of leave, and
 - Up to fifteen (15) weeks of leave
- 6.4** Eligible crew members are entitled to take the first five (5) days as paid days of leave in the calendar year. The remainder of the leave will be unpaid.
- 6.5** The leave is to be taken for the following purposes:
- seek medical attention for the crew member or the child of the crew member in respect of physical or psychological injury or disability caused by the domestic or sexual violence,
 - obtain services from a victim services organization for the crew member or the child of the crew member,
 - obtain psychological or other professional counselling for the crew member or the child of the crew member,
 - relocate temporarily or permanently,
 - seek legal or law enforcement assistance.
- 6.6** A crew member is not entitled to the leave if they are charged with the domestic or sexual violence.
- 6.7** Crew members are advised to speak with Human Resources to determine eligibility, required documentation and length of leave. Requests for leave must be submitted in writing on the Crew Leave Request form indicating the duration of leave.

7.0 ORGAN DONOR LEAVE

- 7.1 The Employment Standards Act (ESA) provides City Cruises Canada crew members, regardless of status, the ability to take up to thirteen (13) weeks of unpaid job-protected leave for the purpose of undergoing surgery to donate an organ (i.e., kidney, liver, lung, pancreas, small bowel).
- 7.2 Crew members who have been employed with City Cruises Canada for at least thirteen (13) consecutive weeks are eligible for Organ Donor Leave.
- 7.3 Crew members are advised to speak with Human Resources to determine eligibility. Requests for leave must be submitted in writing on the Crew Leave Request form two (2) weeks prior to commencing this leave
- 7.4 The leave will commence on the date of the surgery unless a qualified health practitioner has issued a certificate stating that the leave may commence on an earlier date.
- 7.5 The leave may be extended if a qualified health practitioner has issued a certificate stating that the crew member is unable to perform the duties of the job because of the organ donation. Extensions will be handled on a case-by-case basis.

8.0 RESERVIST LEAVE

- 8.1 The Employment Standards Act (ESA) provides City Cruises Canada crew members who have been employed for at least six (6) consecutive months and who are military reservists the ability to take unpaid job-protected leave. This leave is for instances where a crew member is deployed to an operation or who will be providing assistance in dealing with an emergency or its aftermath.
- 8.2 In the case of an operation outside Canada, the leave would include pre- and post-deployment activities as required by the Canadian Forces.
- 8.3 Crew members are advised to speak with Human Resources to determine eligibility. Requests for leave must be submitted in writing on the Crew Leave Request form two (2) weeks prior to commencing this leave



CITY CRUISES CANADA POLICIES AND PROCEDURES

9.0 BENEFITS

- 9.1 For approved personal leaves of absence, crew members who receive company benefits will remain eligible for the first thirty (30) days (excluding Short Term Disability, Long Term Disability, Travel Insurance and RRSP contributions) of the leave. Once the thirty (30) days have expired, crew members can make arrangements for coverage by contacting Human Resources.
- 9.2 For ESA leaves of absence, other than reservist leaves, company benefits (excluding Short Term Disability and Long-Term Disability and RRSP contributions) will continue through the leave, if applicable.
- 9.3 Crew members on ESA leaves may qualify for Employment Insurance (EI). Crew members are encouraged to contact Service Canada.

10.0 REQUEST

- 10.1 Requests for leaves of absence are to be submitted to the manager on a "Crew Leave Request" form along with any documentation and certificates from qualified health practitioners.
- 10.2 Approved "Crew Leave Request" forms are to be submitted to Human Resources for processing.

Further interpretation of this policy is the responsibility of the Vice President, Operations. The Company reserves the right to make, modify, revoke, suspend, terminate, or change any policy or procedure, in whole or in part, at any time.

Company Policy D-3 Leaves of Absence	Revision date: January 11, 2023	Approved by: LM
<i>Uncontrolled when printed</i>	Page 8 of 8	RMS Document