

CONTRACT INTERPRETATION MANUAL

Article 33 COMPASSIONATE LEAVE

Interpretation Guidelines

Article 33.01 – Application

The time off with pay includes but is not limited to, grieving, assisting in making funeral arrangements, attending to business and estate matters related to the death of a family member or relative as listed in the Article.

E&OE

HEABC-NBA Provincial Collective Agreement - Joint Interpretation

ARTICLE 33 – LEAVE – COMPASSIONATE

HEABC and the NBA agreed to make minor changes to Article 33 in the 2014 – 2019 Provincial Collective Agreement, which are summarized below:

1. The parties have agreed to expand the application of Compassionate Leave to include a step-child, step-parent, step-brother or step-sister, or a legal guardian.

It is not normally necessary for an employee to prove she/he requires the time off for the purposes of attending to such things as funeral arrangements, estate matters or emotional comfort.

Compassionate leave is paid out based on a 7.5 hour working day for those working both standard and extended work days.

Article 33.02 - Leave – With Pay

The Employer must grant the minimum 3 days paid leave of absence for compassionate leave upon application by the regular employee.

The 3 working days do not have to be consecutive.

The 3 days do not include regularly scheduled days off. For example, the first workday granted as compassionate leave may be followed by 2 scheduled days off. The next 2 workdays would be granted for the remaining 2 days of compassionate leave.

The regular employee can take a 4th day of paid compassionate leave by using time accrued in their Special Leave bank (Article 43.02(D)).

Employees on a leave of absence (e.g. vacation) who suffer a loss in their family can take compassionate leave on their return (Vancouver Hospital and BCNU, February 5, 1985 (Owen-Flood)).

Up to 2 additional days of compassionate leave can be taken for the specific purpose of travel related to the compassionate leave request. Unlike the first 3 days, it is not mandatory for the Employer to grant travel

The interpretations in this manual are provided on a *without prejudice, errors and omissions* basis to any position Unions in the Nurses' Association of Bargaining Agents may take in any arbitral proceeding or any other forum.

CONTRACT INTERPRETATION MANUAL

days. The regular employee can use an additional day for travel from their Special Leave bank (Article 43.01 (B) 6).

Compassionate leave is prorated for RPT employees based on the hours regularly scheduled to work (Royal Columbian Hospital and BCNU, February 6, 1995 (Kelleher)), for example:

1. A RFT employee would be entitled to 3 work days of compassionate leave based on a 7.5 hour day; or
2. A RPT employee who occupies a 0.5 FTE position but works extra shifts to the extent that their hours equals a 0.75 FTE is only entitled to payment based on proration of their 0.5 FTE base schedule. The member would only be entitled to 1.5 days or 11.25 hours of compassionate leave, not 2.25 days or 16.9 hours of compassionate leave.

The 4th day of paid leave from the Special Leave bank is not prorated, depends on the balance (hours in bank), and can be used up to a full day (Article 43.01 (B) (5)). Special leave is accumulated on a prorated basis but not paid on prorated basis. Neither is the 1 day of special leave for travel associated with compassionate leave Article 43.01 (B) (6).

Arbitration Awards

1. Vancouver Hospital and BCNU, February 5, 1985 (Owen-Flood). Regular employees who suffer a loss in their families while on a leave of absence are entitled to observe the bereavement on their return.
2. Royal Columbian Hospital and BCNU, February 6, 1995 (Kelleher). The arbitrator took the meaning of Article 11.03 (B) and Article 33 to rule that compassionate leave for RPT employees is prorated.

Footnotes

Article	33
Sub-Article	33.01, 33.02, 33.03
Last Update	31-03-21
Related Articles	1, 11, 37, 43, Memorandum Extended Work Day