

Article 33

Article 33 - Compassionate Leave

Related Articles: 1.02, 11.03 (B), 37, 43.02(D) & (E), Memorandum Extended Work Day

Interpretation Guidelines:

This provision only applies to regular employees.

Article 33.01 - Application

1. 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. The union takes the position that the definition of parent is not restricted to biological parents but also includes those that are a parent as a result of their legal or social relationship such as step-parents.
2. 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.
3. Compassionate leave is paid out based on a 7.2 hour working day for those working both standard and extended work days.

Article 33.02 - Leave - With Pay

1. The Employer must grant the minimum 3 days paid leave of absence for compassionate leave upon application by the regular employee.
2. The 3 working days do not have to be consecutive.
3. The 3 days do not include regularly scheduled days off. For example: the first work day granted as compassionate leave may be followed by 2 scheduled days off. The next 2 work days would be granted for the remaining 2 days of compassionate leave.
4. The regular employee can take a 4th day of paid compassionate leave by using time accrued in their Special Leave bank [See Article 43.02(D)].
5. Employees on a leave of absence (e.g. vacation) who suffer a loss in their family can take compassionate leave on their return. See **Arbitration Award: Vancouver Hospital and BCNU, February 5, 1985 (Owen-Flood)**.
6. 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 days.
7. The regular employee can use a day for travel from their Special Leave bank [See Article 43.02 (E)].
8. Compassionate leave is pro-rated for regular part-time employees based on the hours regularly scheduled to work. See **Arbitration Award: Royal Columbian Hospital and BCNU, February 6, 1995 (Kelleher)**. For example:

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- A regular part-time employee would be entitled to 3 work days of compassionate leave based on a 7.2 hour day.
- A regular part-time employee who occupies a .5FTE position but works extra shifts to the extent that her/his hours equals a .75 FTE is only entitled to payment based on pro-ration of her/his .5FTE base schedule. For example, he/she would only be entitled to 1.5 days or 10.8 hours of compassionate leave, not 2.25 days or 16.2 hours of compassionate leave.

Additional References:

Arbitration Awards:

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.

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 regular part-time employees is pro-rated.