

IMPACT OF NEW LEGISLATION ON RESIDENT PHYSICIAN AGREEMENT LEAVES OF ABSENCE

Effective January 1, 2018, the Government of Alberta introduced new *Employment Standards Code* provisions that will impact how leaves of absence provisions in the Resident Physician Agreement are administered. The changes are summarized below:

1. **Maternity Leave** – No change as the Agreement already exceeds the legislated provisions. However, the legislation clarifies that a pregnant Resident Physician whose pregnancy ends other than as a result of a live birth within sixteen (16) weeks of the estimated due date is entitled to maternity leave.
2. **Parental Leave** – No change to the two weeks of paid parental leave. However, the unpaid portion of parental leave can now be for a period of up to 61 weeks for birth mothers and 62 weeks for non-birth parents and adoptive parents.
3. **Other Agreement Leaves of Absence** - Educational Leave, Exam Leave, Special Leave, General Compassionate Leave, Bereavement Leave, and Sick Leave are not affected by the new legislation.
4. **New Unpaid Leaves of Absence** – The legislation provides for new, unpaid leaves of absence which AHS and the Universities will now be required to approve (subject to the provision of verifying documentation). These new, unpaid leaves of absence are:
 - **Compassionate/Terminal Care Leave** for up to 27 weeks to care for a qualified relative with a serious medical condition with a significant risk of death within twenty six (26) weeks from the commencement of the leave.
 - **Critical Illness of a Child Leave** – A parent of a critically ill or injured child shall be entitled to up to 36 weeks to care for their critically ill child.
 - **Disappearance of a Child Leave** – A parent of a child who has disappeared where it is probable that the child disappeared as a result of a crime, shall be entitled to a leave of absence for a period of up to 52 weeks.
 - **Death of a Child Leave** - A parent of a child who has died where it is probable that the child died as a result of a crime, shall be entitled to a leave of absence for a period of up to 104 weeks.
 - **Domestic Violence Leave** – A Resident Physician who has been subjected to domestic violence may require time off from work to address the situation and shall be entitled to leave of absence for a period of up to 10 days in a calendar year.
 - **Citizenship Ceremony Leave** of ½ day to attend a citizenship ceremony to receive a certificate of citizenship, as provided for under the *Citizenship Act (Canada)*.

Notes:

- The requirement to grant a leave of absence for the legislated time period means that the Resident Physician's residency spot will be retained for them upon return from leave. As with any absence, the length of the residency may need to be extended to ensure that residency requirements are met.
- While these leaves are required to be approved, the Program Director may request written documentation to demonstrate the need for the leave.
- These leaves are without pay. For leaves of greater than 30 days, arrangements can be made to prepay benefits.