

Family LOA may be taken for a variety of reasons, including to provide care or support to family in the face of a health crisis or other emergency. As with other LOA types, the situations in which a Team Member will be eligible to take a Family LOA vary from province to province. Please see the chart that follows this section to determine if you are eligible. In general, a LOA will be an option in the following situations:

1) Family Responsibility

In most provinces, Family Responsibility LOA may be taken based on the death, illness, injury, or medical emergency of family members including:

- a. A spouse, common-law, or unmarried partner;
- b. A parent, step-parent, foster parent, child, step-child, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the Team Member or the Team Member's spouse;
- c. The spouse, common-law, or unmarried partner of the Team Member's child;
- d. A sibling of the Team Member;
- e. A relative of the Team Member who is dependent on the Team Member for care or assistance.

Or other urgent matter.

An “urgent matter” is defined as an unplanned event, or an event that was out of the Team Member's control, and has the potential for serious negative consequences if not dealt with.

Examples of an “urgent matter” include:

- A robbery at the home of the Team Member's parents
- An appointment with the Team Member's child's teacher to discuss challenges
- The Team Member's childcare is cancelled at the last moment

2) Compassionate Care:

In most provinces, Team Members may take a LOA to provide care and support for a family member in respect of whom a medical certificate has been issued stating that they have a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

Care or support includes providing psychological or emotional support; arranging for care by others, or directly providing or participating in care.

The family members whose serious medical condition may entitle the Team Member to a LOA include:

- a. the Team Member's spouse;
- b. the parent, step-parent or foster parent of the Team Member or the Team Member's spouse;

- c. a child, step-child or foster child of the Team Member or the Team Member's spouse;
- d. a sibling (including step-siblings, siblings in-law, and step in-laws) of the Team Member;
- e. a grandparent or step-grandparent of the Team Member or of the Team Member's spouse;
- f. a grandchild or step-grandchild of the Team Member or of the Team Member's spouse;
- g. a son-in-law or daughter-in-law of the Team Member or of the Team Member's spouse;
- h. an uncle or aunt of the Team Member or of the Team Member's spouse;
- i. a nephew or niece of the Team Member or of the Team Member's spouse;
- j. the spouse of the Team Member's grandchild, uncle, aunt, nephew or niece; or
- k. a person who considers the Team Member to be like a family member.

The specified family members do not have to live in the province of employment in order for the Team Member to be eligible for family medical leave.

If this LOA is shared between two or more Team Members, the leave may be shared between them. In this case, the total length of LOA taken by all Team Members in respect of the same family member will be the same as if one Team Member took the full LOA.

3) Family Caregiver

Depending on the province, a LOA may also be available that allows a Team Member to take unpaid time away from work to provide care and support for certain types of family members who have a serious medical condition, but does not have a significant risk of death within a period of 26 weeks.

The maximum length of a Family Caregiver LOA is 8 weeks (27 in Alberta, 28 in Ontario) and the LOA needn't be taken all at once.

4) Critically Ill Childcare (In Ontario this is Critically Ill Family Member and the leave is not limited to providing care or support for a child)

In provinces that have a LOA for critically ill child care, this LOA is an unpaid, job-protected leave of absence. The duration and eligibility requirements will depend on the province, but as an example, Ontario's Critically Ill Child Care LOA is a maximum of up to 37 weeks within a 52-week period. Alberta provides 36 weeks for this purpose.

Where it exists, this LOA may be taken to provide care or support to a critically ill child when a qualified health practitioner has issued a medical certificate stating:

- a. that the child is a critically ill child who requires the care or support of one or more parents, and
- b. sets out the period during which the child requires the care or support.

A “child” means a child, step-child, foster child or child who is under legal guardianship, and who is under 18 years old.

“Critically ill” means that the child’s health has changed significantly and whose life is at risk. Depending on the province, this may or may not include chronic conditions.

In order to demonstrate entitlement, Family LOA based on Critically Ill Child Care requires the provision of a medical certificate with the information required in that province. The Team Member must also provide a written plan, detailing the time that they intend to be away.

In general, a medical certificate to demonstrate the need for a Critically Ill Child Care LOA must name the child, state that the child is critically ill or has been critically injured, state that the child requires the care or support of at least one parent, and set out the period during which the child requires the care or support. Please note that there is usually no requirement that the certificate describe the nature of the illness or injury the child has; it need only state that the child is critically ill or critically injured.

If the period of time noted in the medical certificate is less than the provincial maximum, the Team Member is entitled to that amount of time away from work. If the period of time is greater than the provincial maximum, the Team Member may be entitled to an extension or “additional” leave. Please refer to the Chart for details.

A Team Member must provide a medical certificate in support of their Application as soon as they can. They needn’t have the medical certificate in advance of the start of a leave, but if the LOA is based on illness, injury, or medical emergency, one must be obtained as soon as possible, as the Team Member isn’t entitled to the LOA without it. Without an approved LOA, a Team Member may be disciplined for being absent to provide care.

A Team Member is only entitled to be on leave when they are providing care or support to the critically ill child. If this duration is longer or shorter than anticipated, a Team Member may be able to change the length or timing of the LOA by providing sufficient notice and medical documentation.

The rules that apply to the timing of Critically Ill Child Care are complicated. Please refer to the chart for the rules that are applicable in your province of residence. For example, it may be the case that there is more than one child who is critically ill due to the same event. In these cases, the Team Member may only be entitled to the same length of leave as if there was only one ill child. If more than one parent is a Team Member, they may be required to split the LOA so that the total time taken does not exceed the provincial maximum.

Additionally, if the child dies while an employee is on a critically ill child care leave, the employee's entitlement to be on Family LOA by reason of Critically Ill Child Care may end at the end of the week (which is defined as being a Saturday) in which the child dies. If more than one child of the employee is critically ill as a result of the same event and the other child (or children) is still critically ill, the LOA will continue until the last ill child has died. At this time they may transition to another type of LOA – please refer to the Chart for details.

The Team Member may not lose their eligibility for this LOA if the child in question turns 18 during the leave.

General Rules:

Eligibility

Team Members may take a Family LOA if they satisfy the requirements set out in their province of residence. This includes a minimum uninterrupted length of service if this is part of the provincial eligibility requirements.

If a Family LOA is based on illness, injury, or medical emergency, it doesn't matter whether the illness, injury or medical emergency was caused intentionally, through carelessness, or by external factors. For example, if the injury is caused while the family member is skateboarding, the Team Member would still be entitled to the LOA even though the injury was a result of carelessness.

Medical Certificate

A Family LOA based on the health of a family member will require verification of entitlement in the form of a medical certificate. In Ontario, a medical certificate will be valid if provided by a physician, psychiatrist or nurse practitioner, but different types of practitioners may be qualified in different provinces. The Team Member applying for the LOA will be responsible for covering the cost of obtaining a medical certificate.

Service-Related Entitlements

These entitlements (ex. seniority) may or may not be rested during periods of leave. Depending on the province, this may mean that entitlements are rested immediately when the LOA begins, or that entitlements are rested for LOAs that last more than a specified amount of time.

Alternatives

Rather than taking a LOA, if a Team Member requests, it may be possible to reduce their hours of work or transfer them temporarily to another opportunity in order to accommodate their responsibilities. This alternative would only be implemented following a consultation process and a thorough consideration of Michaels' business needs.

Interaction between LOAs

Depending on what is available in the province in which the Team Member resides, more than one kind of LOA may be available. The Team Member's eligibility for LOA may shift over time. For example, a Team Member may be eligible for a LOA based on a family member's serious medical condition and later eligible for a LOA based on a health practitioner's statement that the family member has a serious risk of dying within 26 weeks. These are different types of LOAs and may have different lengths and eligibility criteria are different. A Team Member has the right to take any LOA to which they are entitled and may take more than one based on the same event. Each leave is separate and the right to each leave is independent of any right a Team Member may have to the other leave(s).