

Leaves for family responsibilities (clause 5-14.06)

1. Context

The *Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance* (Bill 176), assented to on June 12, 2018, involved an upgrade to this clause, as did article 10-4.00 regarding psychological harassment.

The primary amendments to this clause are:

- the granting of leave when the teacher acts as a caregiver;
- the addition of the word "school" to specify the period of time for which this provision applies in order to avoid disputes as to the scope of the word "year" (calendar year versus school year);
- the broadening of the notion of "parent"; the definition being that provided for in section 79.6.1 of the *Act respecting labour standards* (CQLR, chapter N-1.1), which is reproduced here:

79.6.1

For the purposes of sections 79.7 to 79.8.1, "relative" means, in addition to the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children and their children's spouses.

The following are also considered to be an employee's relative for the purposes of those sections:

- (1) a person having acted, or acting, as a foster family for the employee or the employee's spouse;
- (2) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;
- (3) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;
- (4) an incapable person having designated the employee or the employee's spouse as mandatory; and
- (5) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health.

Section B Leaves for family responsibilities

5-14.06

Subject to the other provisions of the agreement and in accordance with section 79.7 of the *Act respecting labour standards* (CQLR, chapter N-1.1), a teacher may be absent from work, without salary, for 10 days per school year to carry out obligations relating to the care, health or education of his or her child or of his or her spouse's child or because of the state of health of a parent or any person for whom the teacher acts as a caregiver, as attested to by a professional working in the health and social services sector governed by the Professional Code (CQLR, chapter C-26).

For the application of this clause in accordance with article 79.6.1 of the *Act respecting labour standards* (CQLR, chapter N-1.1), in addition to the teacher's spouse, "parent" means the child, father, mother, brother, sister, and grandparents of the teacher or his or her spouse, as well as the spouses of these persons, their children and the spouses of their children.

The following are also considered to be relatives of a teacher:

- a) a person who has acted or is acting as a foster parent for the teacher or the teacher's spouse;
- b) a child for whom the teacher or the teacher's spouse has acted or is acting as a foster parent;
- c) the teacher's or spouse's guardian, curator or person under guardianship;
- d) the incapable person who has appointed the teacher or the teacher's spouse as his or her agent;
- e) any other person in respect of whom the teacher is entitled to benefits under a statute for assistance and care by reason of the teacher's medical condition;
- f) The leave may be divided into days. A day may also be divided if the board consents thereto;
- g) The teacher must advise the board of his or her absence as soon as possible and take reasonable steps within his or her power to limit the leave and the duration of the leave;
- h) The days thus used for absences shall be deducted from a teacher's annual bank of sick-leave days prescribed in clause 5-10.26 up to a maximum of six days per school year.