

Special leaves (clauses 5-14.02 and 5-14.05)

1. Some background and context

Certainly one of the substantive amendments made to the entente at the conclusion of the 2015 negotiations was the overhaul of the provisions related to bereavement leave. The leave was no longer tied to the funeral, but rather to the death, with the option to retain one of the days for any subsequent celebration marking the death. This paradigm shift generated many calls to union staff and many headaches!

Fortunately, the negotiations that have just ended will bring about about new improvements that should ensure that everyone finds something that suits their needs, whether you were among those who preferred the pre-2015 provisions or those of the 2015-2020 entente.

Finally, other improvements have also been made in order to comply with the amendments to the *Act respecting labour standards* (CQLR., chapter N-1.1), and to take into account a recent societal reality: medical assistance in dying.

2. Amendments

- At the teacher's option, the leave shall run:
 - From the date of death, unless the workday is completed; in this case, the leave shall run from the following day. In either case, the teacher may retain one of the days granted in order to attend a later ceremony;
 - In the periphery of the ceremony marking the death, as long as the day of the ceremony is within the granted leave.
- In compliance with the *Act respecting labour standards*, assurance that a minimum of 2 days without loss of salary is granted (only upon the death of the following persons: spouse, child, stepchild, parent, sibling).
- Change of the phrase "at the funeral" to "attend the ceremony marking the death".
- In a case of end-of-life care and medical assistance in dying, the leave may begin the day before the death if the teacher wishes.

3. The new text

5-14.02

- a) In the event of the death of his or her spouse, child or spouse's child if the child is living under the same roof: a maximum of seven consecutive days, working days or not, commencing on the date of death¹ or including the day of the ceremony marking the death, at the teacher's discretion. If the teacher takes leave from the date of death, he or she may keep only one of these days for the burial or to attend the ceremony marking the death;

in the event of the death of his or her spouse's minor child not living under the same roof: a maximum of three consecutive days, working days or not, commencing on the date of death or including the day of the ceremony marking the death¹, at the teacher's discretion. If the teacher takes leave from the date of death, he or she may keep only one of these days for the burial or to attend the ceremony marking the death;

The second clause must allow the teacher to benefit from a leave of absence of a minimum of two working days without loss of salary, supplements or premiums for regional disparities, in accordance with the *Act respecting labour standards* (CQLR., chapter N-1.1);

- b) in the event of the death of his or her father, mother, brother or sister: a maximum of five consecutive days, working or not, commencing on the date of death¹ or including the day of the ceremony marking the death, at the teacher's discretion. If the teacher takes leave from the date of death, he or she may retain one of these days for the burial or to attend the ceremony marking the death;
- c) in the event of the death his or her parents-in-law, grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandson or granddaughter: three consecutive days, working or not, from the date of death or including the day of the ceremony marking the death, at the teacher's choice. If the teacher takes leave from the date of death, he or she may retain one of these days for the burial or to attend the ceremony marking the death;

(...)

In the event that one of the persons referred to in sub-clauses a), b) and c) of this clause is in a process of end-of-life and medical assistance in dying within the meaning of the *Act respecting end-of-life care* (CQLR, chapter S-32.0001), the teacher who so requests shall benefit from the leave of absence as of the day preceding the day of death. In this case, the teacher shall notify the board in writing as soon as possible.

¹ The obligation to take the leave commencing on the date of death does not apply to the teacher who has ended his or her workday. In such a case, the leave commences on the day following the date of death.

The board and the union may modify or replace any provision of this clause.

5-14.05

A teacher by-the-lesson who taught during the school year preceding the current school year is entitled to the following special leaves without loss of salary, supplements or premiums for regional disparities:

- a) in the event of the death of his or her spouse, child or spouse's child if the child is living under the same roof or is a minor: a maximum of three consecutive days, working days or not, commencing on the date of death¹ or including the day of the ceremony marking the death, at the teacher's discretion. If the teacher takes leave from the date of death, he or she may retain one of these days for the burial or to attend the ceremony marking the death;

The preceding paragraph must allow the teacher to benefit from a leave of absence of a minimum of two working days without loss of salary, supplements or premiums for regional disparities, in accordance with the *Act respecting labour standards* CQLR, chapter N-1.1);

- b) in the event of the death of his or her father, mother, brother or sister: a maximum of two consecutive days, working days or not, commencing on the date of death¹ or including the day of the ceremony marking the death, at the teacher's discretion. If the teacher takes leave from the date of death, he or she may retain one of these days to be used for the burial or to attend the ceremony marking the death;

The preceding paragraph must allow the teacher to benefit from a leave of absence of a minimum of two working days without loss of salary, supplements or premiums for regional disparities, in accordance with the *Act respecting labour standards* CQLR, chapter N-1.1.

In the event that one of the persons referred to in sub-clauses a) and b) of this clause is in an end-of-life process and receiving medical assistance in dying within the meaning of the *Act respecting end-of-life care* (CQLR, chapter S-32.0001), the teacher who so requests shall benefit from the leave as of the day preceding the day of death, subject to the teacher's expected work on that day. In this case, the teacher shall notify the board in writing as soon as possible.