

### **Scenarios for 'Other Leave With Pay (699)' eligibility**

Disclaimer: The following scenarios are examples of how the eligibility for 'Other Leave With Pay (699)' can apply to various situations. Requests for 'Other Leave With Pay (699)' must be examined on a case-by-case basis. The guidance on 'Other Leave With Pay (699)' posted on the Employee illness and leave page on [Canada.ca](https://www.canada.ca), as updated on October 22, 2020 and all subsequent updates, shall prevail should any questions of interpretation or potential inconsistency arise. Managers should have discussions with employees on their specific circumstances, consult the evergreen guidance on the [Canada.ca](https://www.canada.ca) site and their departmental Labour Relations units to determine how to address specific requests from employees. Leave provisions must be provided in accordance with the applicable collective agreement, or terms and conditions of employment. Terms and conditions related to leave vary depending on the collective agreements.

#### **Scenario for caregiving**

##### Scenario 1

- Megan is a full-time employee and has two young children at home.
- She is able to work from home. Her partner has a job in the private sector that did not permit flexibility to take on childcare responsibilities during the day when schools were closed in the spring. At that time, Megan was able to work out an arrangement with her manager so that she could get some work done during the day but also spend time supervising her children.
- Megan and her partner decided to send their children back to school in the fall. Since then she has been able to return to work full-time.
- The school recently sent one of her children home sick and indicated that the child must be tested for COVID-19, and receive a negative result, before being allowed back to class (in accordance with the rules set out by the school board where her children attend school).

Would Megan qualify for 'Other Leave With Pay (699)' while her child is home?

- Megan would need to confirm whether her partner is still unable to take on childcare responsibilities and, if so, consider alternate/flexible work arrangements for herself.
- She would need to confirm that she has used all other paid relevant leave options such as family-related or vacation leave, where applicable, after she has scheduled leave to cover what she would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).
- Once Megan has determined what she can do for flexible work hours and confirmed that there is no other paid leave she can use (accounted for either used or planned), 'Other Leave With Pay (699)' would be available until the school indicates the child can go back to class.

## Scenario 2

- When the school board asked John if he wanted in-person or online learning for his children for the fall 2020 semester, he opted for online learning for his children.
- His manager agreed that the hours of work that John could not make-up with his flexible work schedule and sharing childcare responsibilities with his partner, could be 'Other Leave With Pay (699)'.

Now that the clarified guidance was sent out on October 22, John wants to know if this arrangement can continue?

- John and his manager will need to review their arrangement to ensure it complies with the clarified guidance issued in October, 2020.
- If an employee makes a choice, based on personal preference (i.e. children are NOT at high risk of developing severe symptoms from COVID-19, or do NOT live with someone who is at high risk), to keep their children home from school, 'Other Leave With Pay (699)' should not be available. John and his manager can discuss other options such as continued flexible work arrangements and alternative leave options that may be available to him so that he can manage both his work and childcare obligations after November 9, 2020.

## Scenario 3

- Sara has been able to work remotely since the start of the pandemic.
- As the situation with COVID-19 continues Sara has become concerned with her mother's living arrangements in a senior's residence. She is thinking about bringing her mother home to live with her and take over her caregiving needs.

Sara wonders if she would be eligible for 'Other Leave With Pay (699)' for the time required to care for her mother?

- If Sara makes a choice to alter how her mother is cared for in such a way that she needs time during regular work hours to take care of her mother, 'Other Leave With Pay (699)' would not be available.
- Sara and her manager could discuss other options such as flexible work arrangements or alternative leave options that may be available to her so that she can manage both her work and family care obligations.

## **Scenario for high-risk**

### Scenario 1

- Jessy works in a front-line position in a department that requires face-to-face interaction with other people.

- He has a condition that is listed on the Public Health Agency of Canada’s website as being high-risk for severe symptoms from COVID-19, and he has been on ‘Other Leave With Pay (699)’ since the start of the pandemic and had informed his manager that he is high-risk.
- Prior to the pandemic, Jessy’s health issue was well managed, and he has never had to discuss any issues related to this condition (e.g. frequent time off for medical appointments, periods of illness) with his manager.

Jessy wants to know what has changed for his situation with the clarified guidance that was issued in October?

- Given that Jessy’s manager had no prior knowledge that he had a medical condition until the start of the pandemic, that Jessy’s job cannot be done remotely, and that there have only been a few cases of COVID-19 reported in the community where Jessy lives and works, the clarified guidance on the use of ‘Other Leave With Pay (699)’ indicates that this may qualify as an exceptional case where the manager may request that Jessy obtain a medical note from his medical practitioner that answers the two questions:
  - Does Jessy have a high-risk factor identified by the Public Health Agency of Canada? (note: the medical practitioner should not identify Jessy’s medical condition)
  - If so, does that condition put him at a higher risk of severe illness as a result of COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection?
- If Jessy has difficulty obtaining the medical information from his medical practitioner, he should inform his manager. If the manager is satisfied that Jessy is making a reasonable effort to obtain this information, Jessy may continue to receive ‘Other Leave With Pay (699)’ while he is waiting for this information.
- If the medical practitioner confirms that Jessy is at high-risk and cannot return to the workplace, Jessy should have a discussion with his manager on whether there is alternate work that he can do remotely.
- Jessy schedules vacation leave, where applicable, after he scheduled leave to cover what he would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).
- Once Jessy has used all relevant paid leave provisions as applicable , he would be eligible for ‘Other Leave With Pay (699)’.
- The manager should stay in regular contact with Jessy to discuss other possible alternate remote work options that may become available

## Scenario 2

- Ibrahim’s mother lives with him and his wife. His mother is 80 years old and therefore in the high-risk group for developing severe symptoms from COVID-19.
- Ibrahim’s job duties are such that he cannot work remotely and must report to the workplace.

- Initially Ibrahim was on 'Other Leave With Pay (699)' because his workplace was closed. His workplace is now opening up and his manager has asked that he report to the workplace.
- Ibrahim is worried about returning to the workplace and is wondering if he should ask for 'Other Leave With Pay (699)' because his mother is in the high-risk group.

Could Ibrahim be eligible for 'Other Leave With Pay (699)'? What needs to be considered?

- Ibrahim should discuss his concerns with his manager.
- Medical information may be requested on an exceptional basis by the manager. If there has not been many cases of COVID-19 in the community, Ibrahim's manager may decide to request a medical note to confirm if Ibrahim's mother's age puts her at a higher risk of severe illness as a result of COVID-19, given the level of risk in the community with respect to the level of COVID-19 infection.
- Ibrahim and his manager should discuss what protective measures are in place at the worksite and if there are any additional measures that can be put in place such as altering the time he starts work to minimize contact with other people.
- They should also discuss other measures that Ibrahim may be able to implement in his home such as changing clothes at the end of his workday, whether he can avoid contact with his mother until he has showered, etc.
- If the medical note confirms that Ibrahim's mother is high-risk, and mitigation measures cannot be put in place to address concerns, they would need to discuss if alternate work could be provided so that Ibrahim can work remotely.
- Ibrahim schedules vacation leave, where applicable, after he has scheduled leave to cover what he would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).
- Once Ibrahim has used all relevant paid leave provisions as applicable, he would be eligible for 'Other Leave With Pay (699)'.
- The manager should stay in regular contact with Ibrahim to discuss other possible alternate remote work options that may become available.

### Scenario 3

- Kwame recently had a heart attack and was diagnosed with a form of heart disease which now puts him in the high-risk of severe symptoms from COVID-19 according to his doctor and the Public Health Agency of Canada<sup>1</sup>.
- Kwame's doctor has told him that he is not well enough to return to work but that he may be able to return to work when his health improves.

Is Kwame eligible for 'Other Leave With Pay (699)'?

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<sup>1</sup> Example for illustrative purposes. Please refer to the [website](#) for the most up-to-date information on illnesses that can put people at high-risk for severe symptoms from COVID-19.

- Since Kwame is not able to work, he would use his sick leave.

If Kwame can work remotely:

- If Kwame's health improves and his doctor tells Kwame that he can return to work on a reduced schedule, Kwame would not be eligible for 'Other Leave With Pay (699)'. Any hours he does not work at the recommendation of his doctor may be taken as sick leave.

If Kwame's job requires that he report to the worksite:

- If Kwame must report to the worksite, Kwame should discuss the following questions with his doctor and obtain a medical note for his manager indicating the following:
  - Does Kwame's doctor confirm that Kwame has a high-risk factor identified by the Public Health Agency of Canada? (note: the medical practitioner should not identify Kwame's medical condition).
  - Does that condition put him at a higher risk of severe illness as a result of COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection?
- If Kwame's doctor confirms that he is at high-risk and cannot return to the workplace, Kwame should have a discussion with his manager on whether there is alternate work that he can do remotely.
- Kwame schedules vacation leave, where applicable, after he has scheduled leave to cover what he would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).
- Once Kwame has used all relevant paid leave provisions as applicable, he would be eligible for 'Other Leave With Pay (699)'.
- The manager should stay in regular contact with Kwame to discuss other possible alternate remote work options that may become available.

## Self-isolation

### Scenario 1

- Josée was notified by the public health authority that she may have come into contact with someone who has been diagnosed with COVID-19 and that she should self-isolate for 14 days in accordance with public health advice. She was advised that, if she starts to have symptoms that could be COVID-19, she should go for a test.
- Josée's job requires that she report to the workplace.
- She feels fine and thinks it will be inconvenient to call her manager to tell her that she can't report for her shift.

What should Josée do? What options are available to her?

- Josée cannot come into the workplace even if she feels fine, not even to pick up equipment.
- Josée should let her manager know as soon as possible that she has to self-isolate in accordance with public health advice. This is an obligation under the *Canada Labour Code*, Part II.
- Josée's manager should determine if they can provide her with alternate work that can be done remotely while she is self-isolating.
- If Josée cannot work remotely, 'Other Leave With Pay (699)' would be available for the time the public health authority indicates that she must self-isolate.
- If Josée begins to show symptoms of COVID-19, gets tested and the test comes back positive for COVID-19, she would have to start taking sick leave.