

Crime-related child death or disappearance leave

2-58(1) In this section:

- (a) “**child**” means a person who is under 18 years of age;
 - (b) “**crime**” means an offence pursuant to the *Criminal Code*, other than an offence prescribed by the regulations made pursuant to paragraph 209.4(f) of the *Canada Labour Code*.
- (2) An employee is entitled to crime-related child death or disappearance leave of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.
- (3) An employee is entitled to a leave pursuant to this section of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child’s disappearance is a result of a crime.
- (4) An employee is not entitled to a leave pursuant to this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.
- (5) If an employee takes a leave pursuant to this section and the circumstances that made it probable that the child died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a crime, the employee’s entitlement to the leave ends on the day on which it no longer seems probable.
- (6) If an employee takes a leave pursuant to this section and the employee is subsequently charged with the crime, the employee’s entitlement to the leave ends on the day on which the employee is charged.
- (7) Subject to subsection (9), if an employee takes a leave pursuant to subsection (3) and the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled:
- (a) to remain on leave for 14 days after the day the child is found, if the child is found alive; or
 - (b) to take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.
- (8) An employee may take a leave pursuant to subsection (2) only during the 104-week period that begins in the week the child dies
- (9) Subject to subsection (7), an employee may take a leave pursuant to subsection (3) only during the 52-week period that begins in the week the child disappears.