New Labour Standards: Authorized Absences due to a Criminal Offence, the Disappearance of a Child or the Suicide of a Close Relative

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The Act respecting labour standards (hereinafter the "ALS") was amended recently concerning absences due to sickness or accident and absences for family or parental reasons. In particular, these amendments include the employee’s right to be absent from work for a period ranging between 52 and 104 weeks.

These amendments to the Act respecting labour standards came into force on December 18, 2007. It should be noted that the amendments also apply to an event that occurred prior to that date, but only for the time remaining in the period of absence now applicable. These new provisions will probably be analyzed by the courts in the months ahead. Among other issues, it will be interesting to examine how the courts will interpret the notion of "serious bodily injury" and what burden of proof they will impose on the employee to show that the serious bodily injury is "probably the result" of the commission of a criminal offence.

We invite you to consult the enclosed bulletin and communicate with the author if you wish to obtain further information, or may contact another member of Lavery, de Billy's Labour and Employment Group. The members' coordinates appear in the bulletin.

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