

VACATION AND LEAVE OF ABSENCE

PART 1: APPLICATION OF THE N. B. EMPLOYMENT STANDARDS ACT

1 Employment Standards

- 1(1) An employee's entitlement to a leave of absence is governed by this Regulation and by the New Brunswick Employment Standards Act, R.S.N.B. 1973, c. E-7.2.
(<https://laws.gnb.ca/en/document/cs/E-7.2>)
- 1(2) An employee is entitled to public holidays in accordance with s. (1) and s. (18) of the NB Employment Standards Act, including time off in place of such holidays.
- 1(3) In the case of a conflict between this Regulation and the Employment Standards Act, the latter will apply unless this Regulation provides the employee with a more generous benefit.

2 Administration

- 2(1) The Diocesan Synod administers this Regulation, and employment standards generally are administered by the Employment Standards Branch of the Department of Post-Secondary Education, Training and Labour. See [Regulation 7-1](#) for contacts.

PART 2: DEFINITIONS

In addition to Regulation 7-1 Part 3 definitions, in this Regulation:

"childcare leave" ("parental leave") means the thirty-seven weeks of leave that is available to the natural mother, father and adoptive parents that shall commence no earlier than the day the baby is born or the day the adopted child comes into custody and no later than fifty-two weeks after that date;

"close family relationship" means the relationship between persons who are married to one another, between parents and their children, between siblings and between grandparents and their grandchildren, and includes a relationship between persons who, although not married to one another and whether or not a blood relationship exists, demonstrate an intention to extend to one another the mutual attention and support normally associated with the relationships first mentioned;

"compassionate care leave" means an unpaid, eight-week leave for employees who need to care for a seriously ill person in a close family relationship who has a high risk of dying within 26 weeks;

"immediate family member" means a spouse, parent, child, sibling or another relative with whom the employee permanently resides or with whom a close family relationship exists;

"maternity leave" ("pregnancy leave") means the seventeen weeks of leave (or provincial minimum) that, according to federal legislation, is provided to the mother at the time of the birth of her child.

PART 3: VACATION LEAVE (CLERGY)

- 3 A regular full-time cleric shall take four weeks' vacation and may take a fifth week provided such fifth week is taken between the Feast of the Epiphany and Palm Sunday ([Canon Seven, s. 3\(1\)](#)). A cleric shall consult with the Parish Corporation when scheduling his or her vacation. The Parish Corporation shall ensure the cleric takes two days off per week from normal clerical duties.
- 4 Regular part-time clergy are entitled, pro rata, to the same vacation benefits as regular full-time clergy.
- 5 A retired cleric appointed to a parish, chaplaincy or special ministry is entitled to two weeks paid vacation per year, to be paid at the regular weekly rate, or to 4% vacation pay in lieu thereof, the latter to be paid annually in June or at termination of appointment.
- 6 A vocational deacon or other non-stipendiary cleric in active ministry is entitled to up to four weeks of unpaid vacation per year.

PART 4: MATERNITY AND CHILDCARE LEAVE

- 6 The employer shall grant a maternity or childcare leave of absence without pay to a full or part-time employee.
- 7 Procedure
 - 7(1) A pregnant employee may commence her seventeen weeks of maternity leave sixteen weeks prior to the scheduled date of birth.
 - 7(2) The childcare leave of absence shall commence no earlier than the date of birth.
 - 7(3) The employer may require a pregnant employee to take maternity leave where it is determined the pregnancy would prevent the person from safely performing the duties of her position.
 - 7(4) A male employee is entitled to unpaid childcare leave of up to thirty-seven weeks upon the birth of his child or upon the arrival of a child by adoption.
 - 7(5) An employee shall give four weeks notice of the date they will commence the leave and the date they plan to return to work.
 - 7(6) An employee who returns to work following the completion of the maternity and/or childcare leave(s) shall retain all seniority and benefits approved at the commencement of the leave.
 - 7(7) The employee will resume work in the position they held immediately before the leave began or, where that position is not available, in a comparable position.
 - 7(8) The employer shall grant a one-day leave to a male employee to enable him to attend at the birth of his child.

- 7(9) An employee shall not be entitled to a longer leave if they become ill during the period of the leave.
- 7(10) Where an employee has begun leave and the new-born child is hospitalized for a period exceeding one week, the employee may return to work and defer the unused portion of the leave until the child is discharged from the hospital.
- 7(11) On providing four-weeks notice to the employer, the employee may amend the dates of their leave:
- a) if the employee wishes to return to work at an earlier date than the originally scheduled date; or
 - b) if the employee wishes to extend the leave beyond the originally scheduled date.
- 7(12) Where the employer grants a leave to a cleric, they may continue to live in the existing housing arrangement.
- 7(13) An employee who is receiving a housing allowance shall, during the leave, receive the percentage of the allowance permitted by the Employment Insurance Commission rules (so long as it has been taxed).
- 7(14) The employer shall pay the housing and utilities costs for a cleric who resides in an employer-owned residence during her/his leave.
- 7(15) In accordance with the applicable General Synod provisions, an employee shall continue to contribute to the applicable General Synod pension plan, and shall receive medical, continuing education and group insurance benefits (the employee shall be responsible for their own share of the premiums during the leave).

PART 5: BEREAVEMENT LEAVE

- 8 In the event of the death of an immediate family member, the Bishop or other employer may grant a bereavement leave for any working days that fall within the five-day period immediately following the day of death, commencing not later than the date of the funeral.
- 9 The Bishop or other employer may grant a leave with pay for the day of the funeral of family members not mentioned.
- 10 The Bishop or other employer may grant one additional day's leave if required for travel time.
- 11 The Bishop or other employer may grant a reasonable time off during office hours to attend the funeral of a close friend or colleague.

PART 6: COMPASSIONATE CARE LEAVE

- 12 In addition to any entitlement under the Employment Insurance Program, the employer may grant a compassionate leave of at least one week to a cleric or other employee who has been employed for a period of at least three months.

- 13 A cleric or other employee who requests a compassionate leave shall provide the employer with adequate notice and medical evidence of the ill health of the applicant's immediate family member.
- 14 An employee on compassionate leave may continue to contribute to any benefit program under her or his terms of employment.
- 15 If the employer has established an expiry date for the employee's right to continue to contribute to any benefit program while on a compassionate care leave, the employer shall provide at least ten days written notice of its intent to do so.
- 16 At the conclusion of a compassionate care leave, an employee may return to work in the same position or, where that position is not available, in a comparable position, with no loss of seniority or benefits.

PART 7: FAMILY RESPONSIBILITY LEAVE

- 17 The employer shall grant a family responsibility leave of absence of up to three days to an employee in the following circumstances:
 - a) The illness of an immediate family member which interferes with established care arrangements;
 - b) The sudden breakdown of established care giving arrangements;
 - c) A medical appointment of an immediate family member where attendance is considered essential;
 - d) The serious illness of an immediate family member;
 - e) A special educational, religious or cultural event of an immediate family member or
 - f) An accident, fire, flood or other exceptional natural event.
- 18 The employer may grant a leave, with or without pay, in excess of three days.

PART 8: COURT LEAVE

- 19 The Diocesan Council or Parish Corporation shall grant a paid leave as a result of being absent from work as a result of being:
 - a) Summoned to serve on a jury,
 - b) Selected to serve on a jury, or
 - c) Served with a summons to attend at the hearing of an action, application or proceeding as a witness,

in accordance with s. 44.023 of the New Brunswick Employment Standards Act.

Note: Under Para. 3(j) of the [New Brunswick Jury Act](#), clergy are ineligible for jury duty.

PART 9: SPECIAL LEAVE (CLERGY)

- 20 By Canon Seven the Bishop has authority from the Synod to grant clerics leaves of absence “for any good cause” even if not otherwise permitted. The Bishop usually exercises this authority in accordance with the provisions noted below.

- 21 With the written permission of the Bishop, and by written agreement with the relevant employer as to any financial arrangements, a cleric may take Special Leave of absence.
- 22 Provision for the fact and timing of a Special Leave may be made when the cleric is in process of appointment or when occasion arises.
- 23 Clerics on Special Leave receive no employment salary, allowance or benefits during the leave. Where the practical working out of any interruption of financial support is unduly burdensome, the cleric and employer normally enter a written agreement specifying how the cleric would repay the employment salary, allowance or benefits accruing to the cleric when absent from duty, to the end that the employer is reimbursed fully.
- 24 Negotiation of financial aspects of Special Leave between cleric and employer abides by the Canon Six provision on conflicts of interest in the work of the parish corporation: “No member of the Parish Corporation, Vestry Clerk or Parish Treasurer shall be present during the Corporation’s discussion of any matter or motion concerning which that person, or an immediate family member, or a member of the same household, has a direct financial or material interest”.

Note: Sabbatical Leave is covered by [Regulation 7-8 Continuing Education](#).

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