

Declared Emergency Leave

Recent [changes](#) to the *Labour Standards Code* create an **unpaid emergency leave**. This leave only applies when a **government agency declares an emergency** because of a weather emergency, natural disaster, public health emergency or other event. **The leave does not apply to personal emergencies or illnesses that are not part of a declared emergency.**

The leave can be available when:

1. Government declares an emergency under the Nova Scotia [Emergency Management Act](#) or [Health Protection Act](#), or under the federal Emergencies Act., or
2. A medical officer of health issues a directive or order applying to an individual or a group, for example directing an employee to stay home because they have a contagious disease, or
3. Government defines some other situation as an emergency by making regulations to the *Labour Standards Code*.

This leave is available to employees:

1. who cannot work because of one of the emergencies or situations listed above, or
2. who cannot work because they need to provide care or assistance to a family member affected by the emergency, if the employee is the only person available to provide care and support in the circumstances. The family member can be any family member for whom an employee can claim [Compassionate Care Leave](#).

The information that the employee needs to give the employer to prove that they are entitled to the emergency leave will depend on the circumstances of the emergency. For example, during a pandemic illness emergency, public health officials may advise that people not go to the doctor unless seriously ill, so requiring a medical certificate would not be reasonable.

During an emergency leave, employers must let an employee keep up at their own expense any benefits plans, if the employee chooses to do so.

The emergency leave ends when the employee:

1. is no longer unable to work because of the emergency, or
2. no longer needs to care for a family member affected by the emergency, or
3. when the emergency ends.

When an employee returns from emergency leave:

- the employee must be accepted back into the same position or a comparable one with no loss of seniority or benefits.