

Jonathan's Law

A proposed amendment to the Employment Standards Act S.O. 2000 c. 41, for parents whose children have died, not as a result of crime.

The death of a child is one of the most painful events an adult can experience, it is linked to complicated and traumatic grief reactions.

For parents, a child's death can result in severe anxiety and other confusing emotions.

A child's death precipitates a severe crisis of meaning as the death represents a reversal of the natural order of life events.

The duration for parental grief is uncertain and greatly variable.

Parents do not feel they are emotionally, mentally and perhaps even physically ready to return to the workplace.

For many parents the only solace is in associating with those who have suffered a similar loss, especially in the first months following the death.

The Employment Standards Act provides statutory protected leaves of absence for parents whose child dies as a result of a crime for up to 104 weeks, and leave up to 52 weeks for parents whose child has disappeared and it is probable as a result of a crime.

But for parents whose child dies as a result of a traumatic event such as an accident, or suicide, or as a result of a sudden or prolonged illness, the grief is no less palpable.

Yet for these parents they have no such statutory protected leave from the workplace in order to grieve.

Their grief is deeply discounted under the ESA, as it is expected that they may take 10 personal emergency days and then return to work.

If they do not feel they are ready they have to show that they qualify for medical leave, in other words they must pathologize their response to their loss in order to show that it meets a standard of a mental disorder.

Alternately, they may have to file a human rights complaint on the basis of family status.

Once again they must justify their inability to work, and prove their employer's duty to accommodate them.

Adding insult to already grievous injury under the ESA, parents who have been granted time off under the Critically ill Children Leave, must immediately end the leave on the death of their child.

Jonathan's Law is a proposed amendment to the Employment Standards Act to allow parents whose children have died 52 weeks of job protected time off to enable them to heal emotionally, mentally and perhaps even physically and then return to the workplace.

This is both equitable and compassionate, please support Jonathan's Law.

Thank you.

Vince Leitao (Jonathan's dad)