



leave and disability regulatory compliance
Summary of leave legislation

Canada

2nd quarter 2017

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New Brunswick

Family Day

Received Royal Assent May 5, 2017

Effective January 1, 2018

Informational only – Sedgwick does not administer

On May 5, 2017, [Bill 67](#), an act respecting Family Day, received Royal Assent and amended the Days of Rest Act, chapter D-4.2 of the Acts of New Brunswick, 1985 and the Employment Standards Act, chapter E-7.2 of the Acts of New Brunswick, 1982. The amendments provide for Family Day, which will be the third Monday in February every year starting in 2018.

Bill 67, S.N.B. 2017 chapter 38, becomes effective on January 1, 2018.

Quebec

Family, Parental or Informal Caregiving Leave and Absences

First Reading June 7, 2017

On June 7, 2017, [Bill 796](#) was introduced and if passed, it will amend the Act Respecting Labour Standards to facilitate informal caregiving.

Bill 796 includes the following additional or expanded unpaid, job-protected leaves of absence for employees in Quebec:

- 10 days per year to provide care, health or education to the employee's child or his/her spouse's child, or due to the health of an employee's spouse, father, mother (or their spouses), brother, sister, grandparent, or to provide care or support to a close relation (though the "close relation" does not actually need to be a relative)
- 17 weeks in a 12-month period if the employee must stay with the person being cared for due to an illness or serious injury
- 28 weeks in a 12-month period if the illness or injury involves a significant risk of death
- The leave may be extended to up to 104 weeks if the employee's minor child needs care or support due to an illness or injury involving a significant risk of death

Employees wishing to use the leaves of absence that include 28 weeks or up to 104 weeks are required to provide a medical certificate attesting that the person requires care or support from one or more close relations.

Ontario

Fair Workplaces, Better Jobs Act First Reading June 1, 2017

On June 1, 2017, the Ontario government introduced [Bill 148](#), the Fair Workplaces, Better Jobs Act, 2017. Bill 148 responds to the final report of the Changing Workplaces Review in which the Special Advisors to the Ontario government made 173 recommendations for amendments to Ontario's Employment Standards Act, 2000 (ESA) and Labour Relations Act, 1995. If passed, the majority of the proposed changes to the ESA will become effective on January 1, 2018.

If passed, Bill 148 will have significant implications for employers in Ontario. Some highlights of the proposed changes to the job-protected leaves include the following:

- Expanding vacation provisions – Employees would be entitled to 3 weeks of paid vacation after 5 years of service with the same employer, simplifying the formula for calculating holiday pay; there would be no change to paid vacation entitlements for employees with less than 5 years of service
- Expanding personal emergency leave – All employees (not just employees who work for an employer with 50 or more employees) would be entitled to 10 personal emergency leave days per year, including 2 paid days, increasing the length of unpaid leaves for family medical leave and crime-related child disappearance leave
- Expanding family medical leave – The length of unpaid Family Medical Leave would increase from 8 weeks to up to 27 weeks in a 52 week period
- Expanding crime-related child disappearance leave – The length of unpaid crime-related child disappearance leave would increase from 52 weeks to up to 104 weeks

Creating new leaves:

- Includes Family Day as a designated public holiday
- Provides a new unpaid leave of up to 104 weeks if a child of an employee dies for any reason

The government has proposed a broad consultation process as the next step in order to collect feedback from stakeholders on the draft legislation. We will provide information in subsequent updates.

Alberta

Fair and Family-friendly Workplaces Act

Received Royal Assent June 7, 2017

Effective January 1, 2018

On June 7, 2017, [Bill 17](#), the Fair and Family-friendly Workplaces Act, received Royal Assent after being passed on June 5, 2017. It was introduced to modernize Alberta's workplace legislation and bring it more in line with other provincial statutes. Bill 17 will become effective on January 1, 2018 and includes amendments to job-protected leaves of absence for Alberta employees.

Highlights of the changes to the job-protected leaves under the Alberta Employment Standards Code as a result of Bill 17 include the following:

- Extending and aligning maternity and parental leave
 - Extends maternity leave from 15 weeks to 16 weeks
 - Extends parental leave from 37 weeks to 52 weeks
 - Extends maternity leave to employees if a pregnancy does not result in a live birth
 - Reduces the eligibility period for maternity and parental leave from 52 consecutive weeks of employment with the same employer to 90 days
- Extending compassionate care leave
 - Extends compassionate care leave from 8 weeks to 27 weeks
 - Broadens the entitlement to the leave such that the employee will not have to be the “primary caregiver” of the seriously ill family member in order to take advantage of the leave
 - Reduces the notice required to return to work from 2 weeks to 48 hours;
 - Reduces the eligibility period for compassionate care leave from 52 consecutive weeks of employment with the same employer to 90 days.
- Providing job-protected, unpaid leave for the following leaves of absence:
 - Death or disappearance of a child leave – 52 weeks of leave in the event of a disappearance of a child as a result of a crime and 104 weeks in the event of a death of a child as a result of a crime
 - Critical illness of a child leave – 36 weeks for the purpose of providing care or support to a critically ill child
 - Long-term illness and injury leave – 16 weeks of leave due to illness, injury or quarantine
 - Domestic violence leave – 10 days in a calendar year to seek medical attention, obtain services from a victim services organization, obtain psychological or professional counselling, effect temporary or permanent relocation, seek legal or law enforcement assistance, or for any other purpose provided by regulation

Sedgwick will be updating our Alberta leave services to incorporate the changes and additions above.

Alberta (continued)

Fair and Family-friendly Workplaces Act
Received Royal Assent June 7, 2017
Effective January 1, 2018

Bill 17 also provides job-protected, unpaid leave for the leaves of absence listed below. These changes are included for informational purposes only – Sedgwick does not administer.

- Personal and family responsibility leave – 5 days to allow employees to address health issues for themselves or to meet family responsibilities
- Bereavement leave – 3 days in a calendar year for the death of a family member
- Citizenship ceremony leave – half-day

Bill 17, S.A. 2017 chapter 9, will become effective on January 1, 2018.

Saskatchewan

Domestic Violence Leave

First Reading April 13, 2017

On April 13, 2017, [Bill 604](#), the Saskatchewan Employment (Support for Victims of Domestic Violence) Amendment Act was introduced at First Reading. If passed, it will amend the Saskatchewan Employment Act, S.S. 2013, chapter S-15.1, to provide for paid and unpaid, job-protected leave of absence for employees who are victims of domestic violence (as defined under the Act).

Bill 604 proposes two new leaves as follows:

- Up to 10 days in a 52-week period, which can be taken intermittently or in one continuous period
- Up to 17 weeks in a 52-week period to be taken in one continuous period

The purposes of the proposed leaves in Bill 64 are as follows:

- To seek medical attention for the employee or the employee's child in respect of a physical or psychological injury or disability caused by the domestic violence
- To obtain services from a victim services organization
- To obtain psychological or other professional counselling
- To relocate temporarily or permanently
- To seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence
- Any other prescribed purpose

If passed, employees will be able to take up to 5 days of paid leave (though an employer that provides paid sick leave or other paid leave benefits in excess of 5 days can require the employee to use those benefits for the paid leave unless precluded by a collective agreement). The balance of the leave is an unpaid leave. To be eligible for the leave, an employee must have been employed by the same employer for at least 90 days.

Private Members Bill 603 the Critical Support for Victims of Domestic Violence (Amendment) Act (introduced on March 15, 2017) was withdrawn on April 10, 2017.

Yukon

National Aboriginal Day

Received Royal Assent May 8, 2017

Informational only – Sedgwick does not administer

On May 8, 2017, Yukon amended its Employment Standards Act to establish National Aboriginal Day, which is to be celebrated on June 21st of each year and observed as a general holiday. [Bill 2](#), the National Aboriginal Day Act, received Royal Assent on May 8, 2017 and became effective on May 8, 2017.

Federal

Implementation of 2017 Federal Budget Provisions – Support for Families: Benefits and Leaves Received Royal Assent June 22, 2017 Informational only – Sedgwick does not administer

On June 22, 2017, [Bill C-44](#), the Budget Implementation Act received Royal Assent. Bill C-44 was introduced to recommend the implementation of certain provisions of the 2017 Budget (Building a Strong Middle Class), which was tabled in Parliament on March 22, 2017. Below are the highlights of the changes to the job-protected leaves under the Canada Labour Code and the Employment Insurance Act as a result of Bill C-44.

Changes to the Canada Labour Code:

- Extending maternity and parental leave
 - Extends the beginning of maternity leave from 11 weeks to up to 13 weeks prior to the baby's due date
 - Extends parental leave from 37 weeks to 63 weeks
 - Extends the aggregate amount of leave that may be taken by one or two employees in respect to the same birth from 52 weeks to 63 weeks
- Extending critical illness leave
 - Creates a leave for a family member to care for a critically ill adult
 - Broadens the entitlement to the leave such that the employee will not have to be the parent of the seriously ill or injured child in order to take advantage of the leave

Changes to the Employment Insurance Act:

- Enhancing maternity and parental benefits
 - Extends parental Employment Insurance (EI) benefits from 35 weeks to approximately 61 weeks
 - Creates an option to extend the payment of parental benefits over a longer period of time at a lower rate; under the new rules, employees will be able to choose to receive EI parental benefits over (a) 18 months at a benefit rate of 33% or (b) 12 months at the existing benefit rate of 55% (subject to maximums); parents are required to elect payment terms and the election is irrevocable once benefits are paid
 - Permits maternity benefits to be paid as early as the 12th week before the expected due date of the baby instead of only 8 weeks
- Introducing EI Caregiving Benefits
 - Providing eligible caregivers up to 15 weeks of EI benefits in a 52-week period to allow them to take a leave of absence from work to provide support or care for critically ill or injured adult family members; this benefit is in addition to the Compassionate Care Benefit, which applies only when the individual requiring care is a gravely ill family member at risk of death within 26 weeks
 - Parents taking time away from work to care for a critically ill child will still have access of up to 35 weeks of benefits in a 52-week period, but under the new EI Caregiving Benefits they will now be able to share these benefits with a wider group of family members who may wish to take time off to care for the critically ill child

Most of the changes made by Division 11 of Bill C-44 (Support for Families: Benefits and Leaves) will become effective on a day to be fixed by order of the Governor in Council, which may not be earlier than July 10, 2017.

Federal

Remembrance Day

First Reading June 21, 2017

Informational only – Sedgwick does not administer

On June 21, 2017, [Bill C-311](#), an act to amend the Holidays Act (Remembrance Day), a Private Member's Bill, received First Reading in the Senate. If passed, the Holidays Act will be amended to reflect that November 11 is a legal holiday to be kept and observed throughout Canada as Remembrance Day.

The Information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your Company's attendance and/or leave policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to Company Policy.



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