



leave and disability regulatory compliance
Summary of leave legislation

Canada
3rd quarter 2017

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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:

- Extending and aligning maternity and parental leave
 - Extends maternity leave from 15 weeks to 16 weeks
 - Maintains unpaid job protection for parental leave at 37 consecutive weeks (there is speculation that it may be increased in future to align with proposed federal Employment Insurance benefits)
 - Establishes that the time to take parental leave is immediately following maternity leave or within 53 weeks of the birth of the child, or after the child is placed with the adoptive parent
 - Extends maternity leave to employees if a pregnancy does not result in a live birth within 16 weeks of the due date
 - 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 1 week
 - 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 update 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.

Bill 17 also appeared in Sedgwick's 2nd quarter summary of leave legislation for Canada. The update above includes clarifications related to maternity, parental and compassionate care leave.

Ontario

Bill 148 – Fair Workplaces, Better Jobs Act **Introduced June 1, 2017**

The *Fair Workplaces, Better Jobs Act 2017* continues on its path to becoming law in Ontario. The [bill](#) was introduced by the Ontario government on June 1, 2017 in response to the final report in the *Changing Workplaces Review*. In this review, special advisors made 173 recommendations for amendments to Ontario's *Employment Standards Act, 2000* (ESA) and *Labour Relations Act, 1995*. On September 11, 2017, Bill 148 was amended and ordered for a Second Reading. The Second Reading has commenced and the debates are ongoing.

If passed, the majority of the proposed changes to the ESA are scheduled to come into force on January 1, 2018 and will have significant implications for employers in Ontario. Some highlights related to job-protected leaves of absences are as follows:

- Vacation – Employee vacation entitlement will increase to 3 weeks of paid vacation after 5 years of service with the same employer.
- Pregnancy and parental leave – (a) Entitlement to 6 weeks pregnancy leave in certain circumstances will be increased to 12 weeks; (b) Parental leave will be increased from 35 weeks to 61 weeks for employees who have taken a pregnancy leave and from 37 weeks to 63 weeks for employees who have not taken pregnancy leave; and (c) Section 48 of the ESA will be amended to provide that parental leave may begin no later than 78 weeks after the child is born or comes into the employee's custody, care and control for the first time.
- Personal emergency leave – All employees (not just employees who work for an employer with 50 or more employees) will be entitled to 10 personal emergency leave days per year, including 2 paid days. The amendments to Bill 148 limit the entitlement of the paid leave to employees who have been employed by the employer for at least 1 week.
- Family medical leave – Family medical leave will be increased from 8 weeks to up to 27 weeks
- Child death and crime-related child disappearance leave – The length of unpaid crime-related child disappearance leave will increase from 52 weeks to up to 104 weeks; and a new unpaid leave of up to 104 weeks if a child of an employee dies for any reason has been proposed (Section 49.5)
- Domestic or sexual violence leave – Bill 148 originally proposed an expansion of the grounds to claim personal emergency leave to include domestic or sexual violence or the threat of domestic or sexual violence. The amended Bill 148 proposes a new standalone unpaid leave of absence of up to 10 days and up to 15 weeks of unpaid leave each year if the employee or a child of the employee experiences domestic or sexual violence or the threat of domestic or sexual violence (*see Bill 157 on the following page*). To qualify for the leave, the employee must have been employed by an employer for at least 13 consecutive weeks. The leave can only be taken for the purposes listed in the new section 49.7.

The government has proposed a broad consultation process as the next step in order to collect feedback from stakeholders on the draft legislation.

Bill 148 was covered in Sedgwick's 2nd quarter summary of leave legislation for Canada when it was originally introduced. The update above includes recent changes. We will continue to follow the progress of the bill and include changes in future updates.

Ontario

Bill 157 – Domestic and Sexual Violence Protection Act Introduced September 26, 2017

The Domestic and Sexual Violence Protection Act, 2017 was introduced on September 26, 2017, carried through Second Reading on September 28, 2017 and ordered referred to Standing Committee on Social Policy on September 28, 2017.

This [bill](#) would amend the *Employment Standards Act, 2000* to provide that an employee who has been employed by an employer for at least 13 consecutive weeks and who has experienced domestic or sexual violence or the threat of domestic or sexual violence is entitled of up to 10 days of paid leave and up to 15 weeks of unpaid leave for any of the following purposes:

- To seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the domestic or sexual violence
- To obtain services from a victim services organization for the employee or the child of the employee
- To obtain psychological or other professional counselling for the employee or the child of the employee
- 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 or sexual violence
- Such other purposes as may be prescribed

Ontario

Bill 156 – Indigenous Day Act Introduced September 21, 2017

The *Indigenous Day Act, 2017* is a Private Member's Bill which was introduced on September 21, 2017. If passed, the [bill](#) would create a new public holiday under the *Employment Standards Act, 2000*, a holiday under the *Retail Business Holidays Act*, a school holiday under the *Education Act*, and a holiday under acts and regulations that rely on the definition of holiday under the *Legislation Act, 2006*. The bill proposes that when Indigenous Day falls on a weekend, the holiday will be observed on the following Monday.

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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