

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | June 2021

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Federal

Regulations amending certain regulations made under the Canada Labour Code

Published on the Canada Gazette on June 26, 2021

This [regulation](#) makes minor technical changes to the Canada Labour Code by:

- Replacing the term “sick leave” with “medical leave” and the term “qualified medical practitioner” with “healthcare practitioner” to reflect changes of terminology in the code.
- Removing the reference to medical leave from the section that deals with absences that do not interrupt an employee’s continuity of employment, as there is no longer a minimum length of service to qualify for this leave.
- Removing references to certain leave types with respect to which an employee engaged in multi-employer employment is deemed to be continuously employed, as there is no longer a minimum length of service requirement to qualify for these leave types.

This regulation is under consultation until July 26, 2021. As a reminder, federal leaves only apply to federally regulated employers.

Federal

Bill C-5, an Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)

Royal Assent June 3, 2021

[Bill C-5](#) received Royal Assent of June 3, 2021. A new public holiday has been added, named National Day for Truth and Reconciliation, and will be observed on Sept. 30.

Federal

Bill C-220, an Act to amend the Canada Labour Code (bereavement leave)

Royal Assent June 29, 2021

[Bill C-220](#) amends the Canada Labour Code to grant, in the event of the death of a member of an employee's immediate family or a family member in respect of whom the employee is, at the time of the death, on compassionate care or critical illness leave, a leave of absence from employment of up to 10 days that may be taken during the period that begins on the day on which the death occurs and ends six weeks after the latest of the days on which any funeral, burial or memorial service of the deceased person occurs.

Federal

Bill C-30, Budget Implementation Act, 2021, No. 1

Royal Assent, June 29, 2021

Division 24 of Part 4 of the [bill](#) amends the provisions of the Canada Labour Code respecting leave related to the death or disappearance of a child in cases in which it is probable that the child died or disappeared as a result of a crime, in order to, among other things:

- Increase the maximum length of leave for a parent of a child who has disappeared from 52 weeks to 104 weeks.
- Extend eligibility to parents of children who are between 18 years of age but under 25 years of age.
- Limit the exception that applies to a parent of a child who has died as a result of a crime if the child was a party to the crime, so that the exception only applies to a child who is 14 years of age or older.

Division 35 of Part 4 amends the Canada Recovery Benefits Act to, among other things:

- Provide that the maximum number of weeks of leave for COVID-19-related caregiving responsibilities will be 42 weeks.

Division 36 of Part 4 amends the Employment Insurance Act to, among other things:

- Extend the maximum length of leave to which an employee is entitled for a medical leave of absence from employment to 27 weeks.

As a reminder, federal leaves only apply to federally regulated employers.

Alberta

Bill 220, Employment Standards (expanding bereavement leave) Amendment Act, 2021 (Private Member's Bill)

Introduced June 15, 2021

If passed, [Bill 220](#) will amend the Employment Standards Code by expanding bereavement leave eligibility to those who experience stillbirth or miscarriage.

Alberta

O.C. 185/2021, Employment Standards (COVID-19 leave) Amendment Regulation

Approved and ordered June 23, 2021

This [regulation](#) amends the Employment Standards (COVID-19 leave) Regulation ([AR 29/2020](#)) by repealing Section 4.1 (6), which gave Aug. 14, 2021 as the date the section would have been repealed.

British Columbia

Bill 11, Miscellaneous Statutes Amendment Act

Royal Assent June 17, 2021

[Bill 11](#) amends the definition of “domestic or sexual violence” in the Employment Standards Act, Section 52.5 to clarify that domestic or sexual violence does not need to include an intent to harm an intimate partner or family member.

Northwest Territories

R-032-2021, COVID-19 emergency leave regulations

Published June 30, 2021; In force on July 1, 2021

On June 30, 2021, [Regulation 032-2021, COVID-19 emergency leave regulations](#) were published enabling employees to take emergency leave during the COVID-19 pandemic.

Ontario

Bill 305, 10 paid sick days for Ontario Workers Act, 2021 (Private Member's Bill)

Introduced June 3, 2021

If passed, [Bill 305](#) will amend the Employment Standards Act, 2000, to replace the current leaves related to sickness with 10 days of paid sick leave. Sections 50, 50.0.1 and 50.0.2 of the Act, which provide for sick leave, family responsibility leave and bereavement leave, respectively, will be repealed. Instead, Section 50 will be replaced with paid 10 days of personal emergency leave. This new leave will be available to employees experiencing personal illness, injury or medical emergency; the illness, injury or medical emergency of a specified family member; or an urgent matter concerning a specified family member.

Ontario

Ontario Regulation 412/21, infectious disease emergency leave

Published June 4, 2021

[Regulation 412/21](#) was published in the *Ontario Gazette* on June 4, 2021. It amends Ontario Regulation 228/20 by extending the definition of “COVID-19 period” from July 3, 2021 to Sept. 25, 2021. This means that eligible employees are entitled to infectious disease emergency leave until Sept. 25, 2021, or until an emergency is no longer declared.

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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