

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | June 2022

TABLE OF CONTENTS

Alberta	3
Bill 17, Labour Statutes Amendment Act, 2022	3
Canada	4
Bill C-19, Budget Implementation Act, 2022, No.1	4
New Brunswick	5
Bill 112, An Act to Amend the Employment Standards Act.....	5
Newfoundland and Labrador	6
Bill 38, Labour Standards Regulations (Amendment)	6
Northwest Territories	7
Bill 47, An Act to Amend the Employment Act, No. 2	7
Nunavut	8
Bill 5, An Act to Amend Certain Acts Respecting the National Day for Truth and Reconciliation	8
Québec.....	9
Bill 2, An Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status	9

Alberta

Bill 17, Labour Statutes Amendment Act, 2022

Received Royal Assent on May 31, 2022, except section 2, which came into force on July 1, 2022

[Bill 17](#) amends reservist leave and bereavement leave. The entitlement to reservist leave for training purposes is no longer restricted to “an amount up to 20 days per calendar year.” Consequently, employees who have completed at least 12 consecutive weeks with an employer may now take as much unpaid leave as they require to participate in reservist training.

It also amends bereavement leave where the entitlement to three days of unpaid bereavement leave in a calendar year for an employee who has been employed by the same employer for at least 90 days is expanded, including amongst other things, the end of a pregnancy due to miscarriage, stillbirth and abortion. It also makes bereavement leave available should such an event occur to eligible employees who are biological and adoptive parents, and parents whose children are being carried by gestational carriers/surrogates.

Bill 17 amends the following sections in the Employment Standards Code (Alberta):

- Section 53.2(1) (reservist leave) is amended by removing the 20 day limit on reservist leave for any calendar year.
- Section 53.9(1)(a) (compassionate care leave) is repealed and replaced with a new definition for common law partner: “common-law partner” means a person who at the relevant time cohabits in a conjugal relationship with another person for a continuous period of at least one year.”
- Section 53.983(1) (bereavement leave) is repealed and replaced in its entirety. It expands the bereavement leave right to include unpaid time off for, in addition to the death of a family member, a miscarriage by the employee, the spouse of the employee or if the employee would have become a parent but for a miscarriage (i.e., a miscarriage suffered by a surrogate). The length of leave continues to be three calendar days.

Canada

Bill C-19, Budget Implementation Act, 2022, No.1

Received Royal Assent on June 23, 2022

[Bill C-19](#), Division 29 of Part 5 amends An Act to Amend the Criminal Code and the Canada Labour Code to, among other things:

- Shorten the period before which an employee begins to earn one day of medical leave of absence with pay per month.
- Standardize the conditions related to the requirement to provide a medical certificate following a medical leave of absence, regardless of whether the leave is paid or unpaid.
- Authorize the governor in council to make regulations in certain circumstances, including to modify certain provisions respecting medical leave of absence with pay.
- Ensure that, for the purposes of medical leave of absence, an employee who changes employers due to the lease or transfer of a work, undertaking or business or due to a contract being awarded through a retendering process is deemed to be continuously employed with one employer.
- Provide that the provisions relating to medical leave of absence come into force no later than Dec. 1, 2022.

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

New Brunswick

Bill 112, An Act to Amend the Employment Standards Act

Received Royal Assent on June 10, 2022

[Bill 112](#) amended leave for reservists as follows:

Modified:

- 21. The heading “LEAVE FOR RESERVISTS” preceding section 44.031 of the Act is amended by striking out “RESERVISTS” and substituting “MEMBERS OF THE RESERVES”.
- 22. The heading “Leave for reservists” preceding section 44.031 of the Act is amended by striking out “reservists” and substituting “members of the Reserves”.
- 44.031(3) An employee who is a member of the Reserves who has been in the employ of the employer for a continuous period of at least three months and who is selected for service is entitled to and shall be granted a leave of absence without pay by the employer for the purpose of that service.

Added subsections:

- 44.031(3.1) An employee who is a member of the Reserves may take up to a total of 24 months of leave of absence within any 60-month period.
- 44.031(3.2) Subsection (3.1) does not apply to a leave of absence taken as a result of a national emergency.

Repealed subsection (4) and (5) and substituted section (5) with:

- 44.031(5) An employee who intends to take a leave of absence under subsection (3) shall give written notice to the employer of the employee’s intention:
 - At least four weeks before the anticipated commencement date of the leave; or
 - If the employee receives notice that they are selected for service less than four weeks before the commencement date of that service, as soon as the circumstances permit after receiving the notice.

Newfoundland and Labrador

Bill 38, Labour Standards Regulations (Amendment)

Coming into force on Oct. 1, 2022

As published in the [Newfoundland and Labrador Gazette](#) on June 30, 2022, there was an amendment brought forward for Bill 38, Labour Standards Regulations (Amendment) filed on June 29, 2022. It aims at modernizing the Labour Standards Regulations and thereby the Labour Standards Act, by amending the definition of “family members” with regards to compassionate care leave and critical illness leave. These regulations come into force on Oct. 1, 2022. These are the amendments:

5. (1) Paragraphs 11.1(h) and (i) (definition of “family member”) of the regulations are repealed and the following substituted:

- (h) A sibling of a parent of the employee or of the employee’s spouse or cohabiting partner.
- (h.1) The spouse or cohabiting partner of a person referenced in paragraph (h):
 - A child of a sibling of the employee or of the employee’s spouse or cohabiting partner.
 - (i.1) The spouse or cohabiting partner of a person referenced in paragraph (i).

Northwest Territories

Bill 47, An Act to Amend the Employment Act, No. 2

Received Royal Assent on June 3, 2022

Informational only — Sedgwick does not administer

Bill 47, An Act to Amend the Employment Act, No. 2, amends the [Employment Standards Act](#) to create a new statutory holiday that will fall on Sept. 30 each year, to be known as the National Day for Truth and Reconciliation.

Nunavut

Bill 5, An Act to Amend Certain Acts Respecting the National Day for Truth and Reconciliation

Received Royal Assent on June 13, 2022

Informational only — Sedgwick does not administer

[Bill 5](#) amends the Labour Standards Act to include a statutory holiday known as the National Day for Truth and Reconciliation, which will be observed on Sept. 30.

Québec

Bill 2, An Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status

Received Royal Assent on June 8, 2022

[Bill 2](#) amended the provisions of the Act respecting parental insurance and the Act respecting labour standards to take account of surrogacy, among other things, in the granting of benefits and leaves such as pregnancy and parental leave for surrogacy.

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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