

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | October 2024

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Manitoba (provincial)

Bill 9 – The Employment Standards Code Amendment Act

Second reading on Oct. 3, 2024.

[Bill 9](#) proposes to extend the length of leave available for serious injury or illness from 17 weeks to 27 weeks.

The bill would amend subsection 59.10 of *The Employment Standards Code* (Manitoba) by striking out “17 weeks” and substituting it with “27 weeks” where appropriate.

The bill also proposes transitional amendments for employees already on leave or employees who have given their employer notice of leave but have not yet begun their leave. On the day the act comes into force, the transitional amendments would entitle such employees to increase their leave to a total of up to 27 weeks.

The act would come into force on the day it receives royal assent.

Prince Edward Island (provincial)

Employment Standards Act Consultation Draft

Published Oct. 21, 2024.

Feedback due by Nov. 1, 2024.

A new draft bill to replace the current *Employment Standards Act* in its entirety has been introduced for comments, which are due by Nov. 1, 2024. Many of the changes are consistent with recommendations from the Prince Edward Island *Employment Standards Act* Comprehensive Review Panel's final report, which is available [here](#). The *Employment Standards Act* Consultation Draft proposes significant changes, including the following:

- **Paid holidays:** Changing the determination of public holiday pay and eligibility for paid holidays by removing the requirement that an employee must be employed for at least 30 calendar days prior to the paid holiday and must have received pay for at least 15 of those days.
- **Vacation:** Reducing the eligibility period for three weeks of annual paid vacation from eight years of continuous employment to five or more years of continuous employment.
- **Leave of absence definition:** Altering the definitions of “family member” and “immediate family member” for the purposes of a leave of absence.
- **Medical leave:** Adding an unpaid medical leave of up to 27 weeks for employees who have been continuously employed for at least 90 days. This medical leave can be taken for (i) treatment of or recovery from an illness or injury, (ii) organ donation, (iii) gender-affirming care or (iv) any other prescribed medical treatment that renders a person unable to work for an extended period.
- **Citizenship ceremony leave:** Adding an unpaid leave of up to one day for an employee to attend a citizenship ceremony.
- **Leave of absence confirmation:** Specifying that a medical practitioner, nurse practitioner or midwife in the case of a pregnancy can certify certain leaves.
- **Leave of absence length and eligibility:** Altering the length and eligibility period of various leaves of absence.
 - **Sick leave (unpaid):** Reducing the eligibility period from at least three months of continuous employment to at least 30 days of continuous employment. Increasing entitlement from three to four days.
 - **Family leave:** Reducing the eligibility period from six months of continuous employment to at least 30 days of continuous employment.

- **Compassionate care leave:** Adding an eligibility period of at least 30 days of continuous employment.
- **Leave related to a critically ill child:** Reducing the length of leave entitlement from 37 weeks to 36 weeks.
- **Bereavement leave:** Removing the one-day extension for employees who take bereavement leave during a vacation.

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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