

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | November 2023

TABLE OF CONTENTS

Canada (Federal) 3

 Bill C-59 – Fall Economic Statement Implementation Act, 2023 3

Prince Edward Island (Provincial) 4

 Bill 106 – An Act to Amend the Employment Standards Act 4

 Bill 109 – An Act to Amend the Employment Standards Act (No. 3) 4

Manitoba (Provincial) 5

 Bill 4 – The Employment Standards Code Amendment and Interpretation Amendment Act (Orange Shirt Day) 5

Saskatchewan (Provincial) 6

 Bill 613 – The Saskatchewan Employment (Fairer Workplaces, Better Jobs) Amendment Act, 2023 6

Canada (Federal)

Bill C-59 – Fall Economic Statement Implementation Act, 2023

Introduced for first reading on Nov. 30, 2023.

[Bill C-59](#) is an act to implement certain provisions of the fall economic statement tabled in Parliament on Nov. 21.

Division 2 of Part 5 amends the Canada Labour Code to, among other things, provide a leave of absence of three (3) days in the event of pregnancy loss and modify certain provisions related to bereavement leave.

Division 10 of Part 5 amends the Canada Labour Code to create a leave of absence of up to 16 weeks for adoptive parents upon the placement of a child into their actual care for the purposes of adoption.

Prince Edward Island (Provincial)

Bill 106 – An Act to Amend the Employment Standards Act

Received Royal Assent on Nov. 29, 2023.

Informational only – Sedgwick does not administer

Bill 106 amends subsection 5.3(1) of the Employment Standards Act (ESA) to require employers to include the amount of any paid sick leave that employees are entitled to in the employees' pay statements.

Amends subsection 5.6(1) of the ESA to require employers to include the number of days of paid sick leave that employees have accumulated and used in the payroll records the employers are required to make and keep.

And amends section 22.2 of the ESA to establish that:

- An employee may earn and take up to five (5) days of paid sick leave in a calendar year.
- And employee may not carry over unused paid sick days to the following calendar year.
- An employer may require the employee to provide a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury.
- The Minister of Workforce Advanced Learning and Population may implement a financial support program to provide temporary financial support to be given to employers to help adapt to any increased costs associated with paid sick leave.

Bill 109 – An Act to Amend the Employment Standards Act (No. 3)

Received Royal Assent on Nov. 29, 2023.

Bill 109 amends clause 23.1(2)(b) of the ESA, which provides for leave to military reservists, to reduce the minimum number of months of employment needed to qualify for leave from six (6) to three (3).

Manitoba (Provincial)

Bill 4 – The Employment Standards Code Amendment and Interpretation Amendment Act (Orange Shirt Day)

Introduced for first reading on Nov. 27, 2023.

Informational only – Sedgwick does not administer

[Bill 4](#) seeks to amend the Employment Standards Code to add Orange Shirt Day (National Day for Truth and Reconciliation) as a public holiday. The amendments also specify that employers and employees may not substitute a different date for observing Orange Shirt Day.

Saskatchewan (Provincial)

Bill 613 – The Saskatchewan Employment (Fairer Workplaces, Better Jobs) Amendment Act, 2023

Received first reading on Nov. 8, 2023.

Informational only – Sedgwick does not administer

Bill 613 seeks to add paid sick leave of 10 days of paid leave in a 52-week period, or 14 days of paid leave in a 52-week period when a state of emergency related to a communicable disease has been declared.

The suggested paid leave would be equal to either (a) the wage the employee would have been paid had the employee worked regular hours on the first day of the leave; or (b) 5% of the employee's total wages, not including overtime, in the four weeks preceding the first day of the leave if the employee's hours vary.

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.

800.625.6588

Sedgwick@sedgwick.com

SEDGWICK.COM

© 2023 Sedgwick