

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | December 2022

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Federal

Order fixing Dec. 18, 2022, as the Day on Which Certain Provisions of the Budget Implementation Act, 2021, No. 1 Come into Force: SI/2022-57

Published Dec. 7, 2022

This Order brings into force certain amendments to the Employment Insurance Act in support of the Government of Canada's commitment to extend the maximum number of weeks of Employment Insurance (EI) sickness benefits that can be paid to eligible insured and self-employed workers who are unable to work because of illness, injury or quarantine from 15 weeks to 26 weeks.

Related amendments to the Canada Labour Code, which extend the maximum length of unpaid medical leave from 17 weeks to 27 weeks (and include quarantine among the list of reasons for which an employee may be able to take unpaid medical leave) will also come into force on the same date set by this Order.

New Brunswick

Bill 27, An Act to Amend the Employment Standards Act

First Reading, Dec. 6, 2022

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New Brunswick had its first reading of [Bill 27, An Act to Amend the Employment Standards Act](#). The Bill provides that:

1. Subsection 44.021(1) of the Employment Standards Act (the “Act”), chapter E-7.2 of the Acts of New Brunswick, 1982, would be amended by striking out “without pay of up to five days” and substituting “with pay of up to 10 days.” This would provide employees working in New Brunswick with 10 days of paid sick leave per year.
2. The Act would be further amended by adding a new section 44.06, providing the following:

FINANCIAL SUPPORT PROGRAM

44.06(1) The Minister shall implement a financial support program as described in this section.

44.06(2) The financial support program shall provide for temporary financial support to be given to employers to help them adapt to any increased costs associated with the paid sick leave under subsection 44.021(1).

If passed, the amendments will come into force on a day or days to be fixed by proclamation.

Prince Edward Island

Emergency Leave Regulations

Came into force on Dec. 10, 2022

[Orders in Council, December 5, 2022 \(932\)](#) – Emergency Leave Regulations. Pursuant to clause 41(1)(f.2) of the Employment Standards Act R.S.P.E.I. 1988, Cap. E 6.2, Council made the following regulations:

- Definition:
 - In these regulations, “Act” means the *Employment Standards Act*, R.S.P.E.I. 1988, Cap. E-6.2.
- Emergency unpaid leave of absence - diagnosis of communicable respiratory disease:
 - For the purposes of section 22.5 of the Act (“Emergency Leave”), an employee who has been diagnosed pursuant to clause 4(a) of the *Notifiable Diseases and Conditions and Communicable Diseases Regulations* (EC560/13) under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, as being infected with a communicable disease listed in clause 1.1(e) of those regulations, and is subject to control measures referred to in clause 4(b) of those regulations, is deemed to be a person who is entitled to an unpaid leave of absence pursuant to subsection 22.5(3) of the Act.

The regulations provide that employees are entitled to unpaid leave if they have certain illnesses and are absent from work due to such illnesses.

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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