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LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | December 2024

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Newfoundland and Labrador (provincial)

Bill 101 – An Act to Amend the Labour Standards Act No. 2

First reading: Dec. 2, 2024
Received royal assent: Dec. 4, 2024
Informational only – Sedgwick does not administer

Bill 101 amends the Labour Standards Act (Newfoundland and Labrador) by removing the requirement that an employee must provide their employer with a certificate from a medical practitioner or nurse practitioner when taking three or more consecutive days of sick leave.

The above amendments are effective on and after Dec. 4, 2024.

Bill 82 – An Act to Amend the Labour Standards Act

First reading: Nov. 5, 2024
Second reading: Nov. 6, 2024
Third reading: Nov. 12, 2024
Received royal assent: Dec. 4, 2024

Bill 82 amends unpaid leave for members of the reserve forces in the Labour Standards Act (Newfoundland and Labrador). The following changes are enacted:

- The definition of "service" in Subsection 43.17(b) is expanded to include "Canadian Forces military skills training."
- The eligibility period for leave is reduced from at least six consecutive months to at least three consecutive months of employment.
- An employee who is a member of the reserves is entitled to take an unpaid leave of up to 24 months within a 60-month period. Leave taken as a result of a national emergency does not apply to this period.
- Notice of intention to take leave under this provision is reduced from 60 days to 30 days.
- Where the date on which an employee's service is anticipated to end changes, the employee must notify their employer as soon as practicable and shall provide written notice within at least four weeks of the new end date.

The bill also alters entitlement to communicable disease emergency leave by including an employee who is not performing the duties of their position because of a reason referred to in paragraphs (1)(a) to (g).

The bill also adds the following leave for long-term illness, long-term injury and organ donation:

- Employees who have been employed with the same employer for a continuous period of 30 days are entitled to an unpaid leave of absence of up to 27 weeks to receive extended medical care or to recover from a long-term illness, a long-term injury or an organ donation.

- Employees who have been employed with the same employer for a continuous period of 30 days are entitled to an unpaid leave of absence of up to 104 weeks to receive extended medical care or to recover from a long-term illness or a long-term injury as a result of a criminal offence.

An employee must provide at least two weeks' written notice of intent to take a leave of absence under this section. An employer shall not dismiss an employee because an employee takes a leave under this section. Sedgwick will be creating new policies to account for this new leave reason.

The above amendments are effective on and after Dec. 4, 2024.

Ontario (provincial)

Bill 229 – Working for Workers Six Act, 2024

Introduced: Nov. 27, 2024
Received royal assent: Dec. 19, 2024

Bill 229 amends the Employment Standards Act, 2000 (Ontario) (the "Act") by adding Section 47.1 (placement of a child leave). Placement of a child leave allows employees who have been employed for at least 13 weeks to an unpaid leave of up to 16 weeks because of the placement or arrival of a child into the employee's custody, care and control through adoption or surrogacy. An employer may require an employee who takes leave under this section to provide reasonable evidence of their entitlement. Sedgwick will be creating a new policy to account for this leave.

The bill also adds Section 49.8 (long-term illness leave) to the Act. Long-term illness leave provides an employee who has been employed by an employer for at least 13 consecutive weeks with up to 27 weeks of unpaid leave if the employee will not be performing the duties of the employee's position because of a serious medical condition. A qualified health practitioner must issue a certificate stating that the employee has a serious medical condition and setting out the period that the serious medical condition will prevent the employee from performing the duties of their position. Sedgwick will be creating new policies to account for this leave.

The placement of a child leave provisions come into force on a day to be named by proclamation of the lieutenant governor. The long-term illness provisions come into force on the day that is six months after the day the Working for Workers Six Act, 2024, receives royal assent (June 19, 2025).

Saskatchewan (provincial)

Bill 5 – The Saskatchewan Employment Amendment Act, 2024

First reading: Dec. 4, 2024

Bill 5 proposes to amend The Saskatchewan Employment Act in the following ways:

- **Interpretation of part**: Expanding the definition of "employee" in Section 2-1 to include "any other prescribed person."
- **Prohibition on discriminatory action**: Repealing Section 2-8 regarding the prohibition on discriminatory action.
- **Restrictions on request of medical certificates***:* Amending Section 2-40 to state that "an employer shall not request a certificate pursuant to Clause (2)(c) unless (a) the absence continues for more than 5 consecutive working days; or (b) the employee has had non-consecutive absences of 2 or more working days due to sickness or injury in the preceding 12 months."
- **Employer to grant employment leave**: Removing the word "unpaid" from Section 2-44.
- **Maternity leave**: Repealing and replacing Section 2-49(6) to allow employees who experience a loss of pregnancy on a date not more than 20 weeks before the estimated date of birth to take leave under this section.
- **Bereavement and compassionate care leave**: Repealing and replacing Section 2-55 to expand entitlement to bereavement and compassionate care leave. Employees would be entitled to take a bereavement leave of five days in each of the following cases: the death of an employee's immediate family member or any other prescribed person or the loss of a pregnancy. Leave under this section must be taken within six months after the death or loss of pregnancy.
- **Interpersonal violence and sexual violence leave**: Amending Subsection 2-56.1(2) by replacing the text preceding Clause (a) with "An employee is entitled to a leave if a victim is subjected." Adding Subsection 2-56.1(3.1), which provides that under this section, in a period of 52 weeks, an employee is entitled to up to 10 days of leave, which may be taken intermittently or continuously, and up to 16 weeks to be taken in a continuous period. Amending Subsection 2-56.1(8) to allow for a further unpaid leave of five days in each 52-week period and unpaid leave of up to 16 weeks in each 52-week period.
- **Public health emergency leave**: Striking out "to provide to care" in Clause 2-59.1(5)(b) and substituting it with "to provide care."

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