

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | February 2024

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Nova Scotia (Provincial)

Bill 416 – Serious Illness Act

Received first reading on Feb. 28, 2024

[Bill 416](#) proposes to add regulation-making power to authorize the Governor in Council to prescribe expanded access to an unpaid serious leave of absence.

The bill proposes to provide an employee who has been employed by an employer for a period of at least three months and who has been diagnosed with a serious illness to be entitled to an unpaid leave of absence of up to 26 weeks.

The bill includes other details related to this unpaid leave, such as the following new clauses:

60F(1)

(a) "Serious illness" means a medically certified chronic illness and includes cancer, heart disease, multiple sclerosis, cystic fibrosis, diabetes or other life-altering illness;

(b) "Week" means the period between midnight on Saturday evening and midnight on the following Saturday evening.

60F(2)

(2) An employee who has been employed by an employer for a period of at least three months and who has been diagnosed with a serious illness is entitled to an unpaid leave of absence of up to 26 weeks from

(a) The day the employee was diagnosed; or

(b) Where the leave was begun before the employee was diagnosed, the day the leave was begun.

(3) A leave of absence under this section may only be taken in periods of not less than one week's duration.

(4) Where requested in writing by the employer, the employee shall provide the employer with a copy of a certificate issued by a legally qualified medical practitioner confirming the diagnosis.

(5) An employee shall advise an employer as soon as possible of any intention to take a leave of absence under this Section.

(6) Notwithstanding subsection (2), the Governor in Council may by regulation expand access to, including the length of and qualification for, an unpaid serious illness leave of absence.

60FA

(1) Where an employee takes a serious illness leave pursuant to Section 60F and wishes to return to work during a week of leave, the employee may return to work during the week only if the employer agrees, whether in writing or not.

(2) Where the employee returns to work under subsection (1), the week counts as an entire week for the purpose of any provision in Section 60F that limits the entitlement to leave to a certain number of weeks.

60FB

The Minister shall review Sections 60F and 60FA and the regulations made under clause 7(bea) every four years, commencing on May 1, 2025, to ensure their effectiveness.

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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