

LEAVE AND DISABILITY REGULATORY COMPLIANCE

# Summary of legislative and regulatory changes

*Canada | May 2021*

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## Federal

*Bill C-5, an Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)*

House of Commons third reading May 28, 2021

If [Bill C-5](#) is passed, a new public holiday named National Day for Truth and Reconciliation will be added and observed on September 30.

# Federal

## *Bill C-30, Budget Implementation Act, 2021, No. 1*

Second reading May 27, 2021

If passed, Division 24, 35 and 36 of [Bill C-30](#) will amend the *Canada Labour Code* to:

- Increase the maximum length for leave related to the death or disappearance of a child from 52 weeks to 104 weeks and extend eligibility to employees who are parents of children 18 years of age or older but under 25 years of age. Bill C-30 will also limit the exception that applies to a parent of a child who has died as a result of a crime if the child was a party to the crime, so that the exception only applies to a child who is 14 years of age or older.
- Provide that the maximum number of weeks of leave for COVID-19-related caregiving responsibilities will be 42 weeks.
- Extend the maximum length of leave to which an employee is entitled for a medical leave of absence from employment to 27 weeks.

## Federal

### *Bill C-220, an Act to amend the Canada Labour Code (bereavement leave)*

Senate second reading; referral to committee May 27, 2021

If passed, [Bill C-220](#) will amend the *Canada Labour Code* to:

- Increase the number of days an employee is eligible for bereavement leave from five to 10 days.
- Expand eligibility for the leave to include employees who, at the time a family member dies, are on compassionate care or critical illness leave for the deceased person.

# British Columbia

## *Bill 11, Miscellaneous Statutes Amendment Act*

First reading May 12, 2021

If passed, [Bill 11](#) will amend the definition of “domestic or sexual violence” in *Employment Standards Act*, Section 52.5 to clarify that domestic or sexual violence does not need to include an intent to harm an intimate partner or family member.

# British Columbia

## *Bill 13, Employment Standards Amendment Act (No. 2), 2021*

Third reading May 19, 2021

Upon Royal Assent, [Bill 13](#) will amend the *Employment Standard Act* as follows:

- After 90 consecutive days of employment with an employer, an employee will be entitled to take leave for personal illness or injury in each employment year, including:
  - Paid leave for up to the number of days prescribed.
  - Unpaid leave for up to three days.
  
- An employee will be entitled to COVID-19-related paid sick leave of up to three days between the date the bill comes into force and Dec. 31, 2021.

# Manitoba

## *Manitoba pandemic sick leave*

Published May 7, 2021

Informational only — Sedgwick does not administer

[Manitoba pandemic sick leave](#) was published on the Manitoba government website on May 7, 2021. This program provides employers with up to \$600 per employee for up to five full days of COVID-19-related sick leave, which do not have to be taken consecutively. Eligible sick leave related to COVID-19 includes testing, vaccinations and side effects, self-isolation due to COVID-19 symptoms, or care for a loved one in any of the previously mentioned circumstances.

Private-sector, non-profit and charitable employers with eligible employees are able to qualify to receive the assistance. Employers who currently provide paid sick leave to their employees would not be eligible. Eligible employees are those who reside in Manitoba and work and receive wages in Manitoba on a full or part-time basis.

The eligibility period begins May 7 and runs until Sept. 25, to coincide with the federal and other provincial programs.



## Manitoba

### *Bill 73, The Employment Standards Code Amendment Act (COVID-19 vaccination leave)*

Royal Assent May 12, 2021

Informational only — Sedgwick does not administer

[Bill 73](#) amends *The Employment Standards Code* to entitle an employee to up to three hours of paid leave for each time the employee is vaccinated against COVID-19. The job protection is expanded for an employee who is temporarily unable to work due to circumstances related to the COVID-19 pandemic to include leave for employees who suffer side effects after receiving a COVID-19 vaccine.

## Manitoba

### *Bill 231, The Employment Standards Code Amendment Act (leave for miscarriage or stillbirth)*

Introduced May 17, 2021

If passed, [Bill 231](#) will amend *The Employment Standards Code* to create a paid leave of up to three days if the employee's pregnancy or the pregnancy of their spouse or common-law partner ends in miscarriage or stillbirth.

# Nova Scotia

## *Access to paid sick leave for Nova Scotians*

Published May 12, 2021

Informational only — Sedgwick does not administer

[Access to paid sick leave for Nova Scotians](#) was published on May 12, 2021, on the Nova Scotia government website. Nova Scotians who must take time off work due to COVID-19 now qualify for up to four paid sick days under Nova Scotia's new COVID-19 Sick Leave Program. People may be eligible if they cannot work remotely and miss less than 50% of their scheduled work time in a one-week period due to COVID-19. This includes those who need to take time off because they are awaiting a Polymerase Chain Reaction (PCR) test appointment and those who are getting tested, are self-isolating while awaiting test results, or are going to get vaccinated. The sick days do not have to be taken consecutively. Any sick days taken between May 10, 2021, and July 31, 2021, may be eligible for the program.

In addition, Nova Scotia's COVID-19 Sick Leave Program covers employee wages, including wages of self-employed people, up to a maximum of \$20 per hour or \$160 per day. The maximum payment over the 12-week period is \$640 per worker. Eligible businesses that continue to pay their employees during their leave will be eligible to be reimbursed by the program.

# Prince Edward Island

## *COVID-19 Special Leave Fund*

Published May 11, 2021

Informational only – Sedgwick does not administer

[COVID-19 Special Leave Fund](#) was published on the Prince Edward Island government website on May 11, 2021. This fund is a temporary support for workers who are unable to schedule a vaccination appointment outside of work hours, or unable to work due to illness or COVID-19 testing or self-isolation requirements, and who do not qualify for the Canada Recovery Sickness Benefit or have access to paid sick leave.

This program will reimburse employers and/or a self-employed person without a paid sick leave program for sick time of an employee/person who missed less than 50% of scheduled time in a one-week period:

- To attend a COVID-19 vaccination appointment;
- Due to illness;
- Due to COVID-19 testing; and/or
- Due to the need to self-isolate.

Employer/self-employed individuals may apply to the program for a maximum of three days per week on up to two separate occasions for a maximum of six days for loss of wages that are less than 50% of scheduled time in a one-week period.

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## Québec

*Bill 798, an Act to entitle employees to a “vaccine break” to receive a COVID-19 vaccination*

Introduced May 6, 2021

If passed, this [Private Members’ Bill](#) will entitle employees to be absent from work for a minimum of four consecutive hours without a reduction in wages to receive each dose of the COVID-19 vaccine.

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# Saskatchewan

## *Bill 603, an Act to amend The Saskatchewan Employment Act to provide for paid sick leave*

First reading May 7, 2021

If passed, Bill 603 will amend The Saskatchewan Employment Act to provide employees with paid sick leave of no more than:

- 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 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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