

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | May 2020

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Ontario

Regulation 228/20 – Infectious disease emergency leave

Filed on May 29, 2020

[Regulation 228/20](#) repeals and replaces an [earlier regulation](#) related to infectious disease emergency leave of absence. Regulation 228/20 provides as follows:

- An expanded entitlement to infectious disease emergency leave to include employees who cannot perform their duties due to the following:
 - Reduction or elimination of hours of work due to COVID-19;
 - From March 1, 2020, until six weeks after the Ontario government’s emergency order is rescinded.
- Employees on this leave are exempt from the requirement to advise their employer that they intend to take the leave and benefits are not required to be continued during the leave.
- Employees who are on this leave are also exempt from the temporary layoff provisions of the Ontario Employment Standards Act and, for the purposes of the Act, are not considered to be constructively dismissed.

Sedgwick has already implemented the Infectious Disease Emergency Leave for Ontario. The changes above do not impact the policy already in place. We will continue to administer this leave until it is rescinded as described above.

Prince Edward Island

Bill 38 – An Act to Amend the Employment Standards Act (No.3)

Introduced on May 26, 2020

[Bill 38 - An Act to Amend the Employment Standards Act \(No.3\)](#) amends the Prince Edward Island Employment Standards Act to add an emergency leave of absence for employees who are prevented by an emergency (as defined) from performing work duties. If passed, Bill 38 provides as follows:

- This leave is unpaid, and an employee is entitled to this leave for the duration of the time the employee cannot perform his or her duties because of the emergency. The leave ends on the day the emergency is terminated or no longer prevents the employee from performing the employee's work duties.
- This leave may be taken by an employee who is in quarantine or isolation or is the sole provider of care/assistance to a family member affected by the emergency.
- To take this emergency leave, the employee must give the employer as much notice as is reasonably possible of their intention to take an emergency leave, or as soon as possible after the emergency leave begins if the leave must be taken before a notice was given.
- Upon request, an employee must provide to the employer, reasonable evidence that the employee is entitled to the emergency leave within a reasonable timeframe.
- When an employee returns to work after the end of an emergency leave, the employee must resume work in the position the employee held before the emergency leave began, or a comparable position if that position no longer exists with the same wages and benefits the employee would have received.
- Bill 38 is considered to have come in force as of March 16, 2020.

Saskatchewan

Regulation 62/20 – The Employment Standards (public emergencies) Amendment Regulations, 2020 (No.2)

Filed on May 14, 2020

Saskatchewan filed [Regulation 62/2020](#), which repeals and replaces [earlier regulations](#) related to public emergency leave of absence, providing the following:

- During a public emergency period, employers and employees are exempted from the provisions of, and employees are not entitled to the layoff protections provided by the Act.
- Establishing a grace period of two weeks from the end of the public emergency period in which the employer can transition the employees back to work.
- Exempting employers from providing notice of group termination to employees during a public emergency (notice to the Minister is still required).

Sedgwick has already implemented Saskatchewan's Public Health Emergency Leave. The changes above do not impact the policy already in place.

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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