

LEAVE AND DISABILITY REGULATORY COMPLIANCE

# Summary of legislative and regulatory changes

*Canada | November 2021*

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## Federal

### *Bill C-2, An Act to provide further support in response to COVID-19*

Introduced on Nov. 24, 2021

If passed, [Bill C-29](#) would amend the Canada Labour Code to, among other things, create a regime that provides for a leave of absence related to COVID-19 under which an employee may take the following unpaid leave of absence:

- Up to six weeks if they are unable to work because, among other things, they have (or may have) contracted COVID-19, have underlying conditions that in the opinion of certain persons or entities would make them more susceptible to COVID-19, or have isolated themselves on the advice of certain persons or entities for reasons related to COVID-19.
- Up to 44 weeks if they are unable to work because, for certain reasons related to COVID-19, they must care for a child who is under the age of 12 or a family member who requires supervised care.

Bill C-2 also includes provisions to address vacation interruptions and postponements, parental leave interruptions or extension and interruptions of child death/disappearance, compassionate care or critical illness leave due to COVID-19 leave.

Federal leaves only apply to federally regulated employers.

## Federal

### *Bill C-3, An Act to amend the Criminal Code and the Canada Labour Code*

Introduced on Nov. 26, 2021

Informational only — Sedgwick does not administer

If passed, [Bill C-3](#) will make the following amendments to Part III of the Canada Labour Code to provide that:

- Employees are entitled to earn one day of medical leave with pay for each month of employment with an employer, up to a maximum of 10 days in a calendar year.
- Any day of medical leave with pay that an employee does not take in a calendar year carries forward to January 1 of the following calendar year and counts toward the 10 days that can be earned in the new year.
- The maximum number of days of medical leave with pay that an employee can take in a calendar year is 10.
- This leave may be taken in one or more periods, and employers may require the employees to provide medical certificates to take the leave.

Bill C-3 also provides the government with authority to make regulations to modify the application of the medical leave to a class of employees.

## British Columbia

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

Received Royal Assent on May 20, 2021; Will come into force Jan. 1, 2022

Informational only — Sedgwick does not administer

[Bill 13](#) adds two additional types of sick leave to the British Columbia Employment Standards Act: a temporary COVID-19 related sick leave and a permanent paid sick leave.

#### COVID-19 leave

The temporary COVID-19-related sick leave provides that from May 20, 2021, to Dec. 31, 2021, employees may take up to three days of paid sick leave provided that the following conditions exist:

- The employee must be diagnosed with COVID-19 and must be acting in accordance with instructions/orders of a medical health officer or the advice of a medical practitioner, nurse practitioner or registered nurse.
- The employee must be in quarantine or self-isolation in accordance with an order of the provincial health officer; under the Quarantine Act (Canada); or guidelines of the British Columbia Centre for Disease Control or the Public Health Agency of Canada.
- The employee's employer, due to concern about exposure to others, has directed the employee not to work.

Any employer without an existing sick leave program will be reimbursed up to \$200 per day by the [BC Government](#) for each worker who takes advantage of this leave of absence.

#### Permanent sick leave

On Nov. 24, 2021, the BC government announced that employees who have worked for the same employer for 90 consecutive days will be entitled to five paid sick days (as prescribed by [OIC 637-2021](#)).

## Manitoba

### *Bill 200, The Orange Shirt Day Statutory Holiday Act (various acts amended) (Private Member's Bill)*

Introduced on Nov. 25, 2021

Informational only — Sedgwick does not administer

If passed, [Bill 200](#) will recognize Orange Shirt Day, Sept. 30, as a provincial statutory holiday for the purposes of The Employment Standards Code and The Interpretation Act.

## New Brunswick

### *Bill 81, An Act to Amend the Employment Standards Act (Private Member's Bill)*

Introduced on Nov. 30, 2021

If passed, [Bill 81](#) will provide for the following leaves of absence if an employee's pregnancy terminates due to miscarriage or stillbirth:

- The longer of: (a) the period that ends 17 weeks after the commencement of the leave and (b) the period that ends 12 weeks after the miscarriage or stillbirth.

The leave, if passed, will provide for up to 10 days paid and the rest would be unpaid leave.

## Nova Scotia

### *Bill 75, Labour Standards Code (amended)*

Introduced on Nov. 2, 2021

Informational only — Sedgwick does not administer

If passed, [Bill 75](#) will make the following amendments:

- Clause 1 re-letters clause 30(1)(h) — the clause that prohibits an employer from disciplining a person for asking the employer to comply with the Act or regulations — as clause (a).
- Clause 2 entitles employees to paid leave for a personal illness, injury or medical emergency of themselves and for the personal injury, medical emergency or death of a family member.



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## Nova Scotia

### *Bill 82, An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Bereavement Leave for Pregnancy Loss (Private Member's Bill)*

Introduced on Nov. 3, 2021

If passed, [Bill 82](#) will extend bereavement leave to parents for pregnancy loss.

## Prince Edward Island

### *Bill 22, An Act to Amend the Employment Standards Act (No.2)*

Received Royal Assent, Nov. 17, 2021

Informational only — Sedgwick does not administer

Prince Edward Island received Royal Assent for [Bill 22](#) to add the National Day for Truth and Reconciliation (observed on Sept. 30) to the list of paid public holidays in Prince Edward Island.

## Prince Edward Island

### *Bill 34, An Act to Amend the Employment Standards Act (No.3)*

Received Royal Assent, Nov. 17, 2021

[Bill 34](#) received Royal Assent to add new entitlements to bereavement leave in Prince Edward Island. Specifically, Bill 34 makes the following amendments to the Prince Edward Island Employment Standards Act:

- Section 2 amends subsection 22(3) of the Act to correct a reference to a “fifty-two-week period” to a “78-week period.”
- Section 3 amends section 23 of the Act by adding a new subsection (1.01) that provides that the entitlement to bereavement leave for an employee includes the end of a pregnancy by way of prenatal pregnancy loss or stillbirth in the specified circumstances as if it were the death of a member of the immediate family of the employee. This section will also amend subsection 23(2) to clarify when the bereavement leave must be taken.

## Saskatchewan

### *Bill 606, The Saskatchewan Employment (paid sick days) Amendment Act, 2021 (Private Member's Bill)*

Introduced on Nov. 15, 2021

Informational only — Sedgwick does not administer

If passed, [Bill 606](#) would provide paid sick leave as follows:

- 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 pursuant to subsection 17(1) of The Emergency Planning Act.

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# Yukon

## *Public engagement on permanent paid sick leave begins*

Began Nov. 9, 2021

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Yukoners were invited to provide their input on how permanent paid sick leave should be established in the territory. An online engagement on this topic was open through Dec. 10, 2021.

All Yukoners could participate in this engagement by completing a survey, answering a number of quick polls, sharing their ideas and stories, or asking questions. This input and feedback will be compiled in a “What We Heard” summary and shared publicly through the [engagement website](#).

This engagement is supported by the Yukon’s Making Work Safe panel. This panel is made up of individuals brought together to represent workers and employers and is co-chaired by Minister Richard Mostyn and MLA Emily Tredger. As a commitment of the 2021 Confidence and Supply Agreement, the panel has been tasked with conducting a public consultation to develop recommendations for the Legislative Assembly to establish permanent paid sick days in the Yukon. These recommendations will be presented in a report by Jan. 31, 2022. The panel will use this feedback to provide recommendations for amendments to the Employment Standards Act.

The Information contained within this document is intended to provide summary level information on proposed or enacted laws related to workers’ compensation. It is not intended to provide guidance on the application of these legal requirements or as an update to your Company’s workers’ compensation policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to Company Policy.

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