

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | February 2022

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Northwest Territories

Employment Standards Act, R-088-2022

Feb. 28, 2022

As published in the February 2022 Northwest Territories Gazette, The Commissioner, on the recommendation of the minister, under section 30.0 of the [Employment Standards Act](#) and every enabling power, orders the following amendment to the COVID-19 emergency leave regulations:

The COVID-19 emergency leave regulations, established by regulation numbered R-032-2021, are amended by these regulations.

Section 4 is repealed, and the following is substituted:

4. Notwithstanding anything in section 30.3 of the Act or these regulations, an employee is not entitled to emergency leave if the employee:

- Is required to self-isolate in accordance with an order of the chief public health officer under section 25 of the Public Health Act as a result of travel other than essential travel;
- Is required to quarantine in accordance with an order of the governor in council under section 58 of the Quarantine Act (Canada) as a result of travel other than essential travel; or
- Is unable to perform the duties of their employment because of their failure to comply with an employer's COVID-19 vaccination policy if:
 - The employer has made the COVID-19 vaccination policy readily available to the employee.
 - The employee has been given a reasonable period of time in which to comply with the COVID-19 vaccination policy.
 - The COVID-19 vaccination policy is reasonable.

Ontario

Bill 88, Working for Workers Act, 2022

Introduced Feb. 28, 2022

The Ontario government introduced [Bill 88, Working for Workers Act, 2022](#) on Feb. 28, 2022. Schedule 2 Employment Standards Act, 2000, Section 50.2 of the Act, which governs reservist leaves of absence, is amended to provide that an employee is entitled to leave under that section if the employee is participating in Canadian Armed Forces military skills training. The section is also amended to provide that an employee is entitled to leave after being employed by the employer for three consecutive months.

Quebec

Bill 2, An Act respecting family law reform

Second Reading, Feb. 1, 2022

On Feb. 1, 2022, Sections 185-219 of [Bill 2, An Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status](#), make amendments to the Act respecting labour standards to include definition of family, pregnancy and parental leave for surrogacy.

Quebec

Bill 14, An Act to ensure the protection of trainees in the workplace

Received Royal Assent, Feb. 24, 2022

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On Feb. 24, 2022, the Quebec government received Royal Assent for [Bill 14, An Act to ensure the protection of trainees in the workplace](#), be it with respect to obtaining a permit to practice issued by a professional order or within the scope of a program of studies or training at the secondary, vocational, college or university level offered by an educational institution and leading to a diploma, certificate or attestation of studies.

To that end, trainees are granted, among other things:

- The right to be absent on certain statutory holidays.
- The right to be absent owing to sickness or for family or parental reasons.
- The right to a training environment exempt from psychological harassment, including such behaviour in the form of verbal comments, actions or gestures of a sexual nature.
- Protection from reprisals taken against them by an employer, educational institution or professional order or any agent thereof because of the exercise of a right.
- Recourse before the Commission des normes, de l'équité, de la santé et de la sécurité du travail and before the Administrative Labour Tribunal if one of their rights provided for by this Act has not been respected.

The bill imposes on employers, educational institutions and professional orders the obligation to take reasonable measures at their disposal to ensure that the success of the trainee's studies or training or the trainee's obtention of a permit required for the practice of a profession is not compromised because of the exercise of a right provided for by this Act. This Bill will come into force on Aug. 24, 2022.

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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800.625.6588

Sedgwick@sedgwick.com

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