

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Canada | March 2022

TABLE OF CONTENTS

British Columbia.....	3
Bill 19, Employment Standards Amendment Act, 2022.....	3
Canada	4
Canada Labour Code – Regulations Amending Certain Regulations Made Under the Canada Labour Code (SOR/2022-41)	4
Manitoba	6
Bill 219, The Employment Standards Code Amendment Act (leave for miscarriage or stillbirth), private members bill	6
Ontario.....	7
Bill 88, Working for Workers Act, 2022.....	7

British Columbia

Bill 19, Employment Standards Amendment Act, 2022

Third Reading, March 30, 2022

Informational only — Sedgwick does not administer

Changes were introduced to British Columbia's [Employment Standards Act](#) that will strengthen paid sick leave legislation to protect workers and simplify the administrative process for businesses. These changes were introduced to address two issues that have been raised since the five days of employer-paid sick leave came into effect on Jan. 1, 2022.

- Section 3 of the Act is amended in subsection (6) by striking out “Part 6 [leaves and jury duty] except for section 49.1 (a), (3) and (4) [paid personal illness or injury leave];” and substituting “Part 6 [leaves and jury duty].”
- Section 49.1 is amended by striking out “each employment year” and substituting “each calendar year.”

Formality of Royal Assent is pending. This Act comes into force on the date of Royal Assent.

Canada

Canada Labour Code – Regulations Amending Certain Regulations Made Under the Canada Labour Code (SOR/2022-41)

March 16, 2022

Coming into force 90 days after the date of registration of March 4, 2022

As published in the March 16, 2022 Canada Gazette, 5 (1) Paragraph 24(2)(l) of the Regulations Amending Certain Regulations Made Under the [Canada Labour Code](#) is replaced by the following:

- (l) a copy of any certificate provided in respect of medical breaks or medical leave and any request for the certificate made by the employer in accordance with subsection 181.1(2) or 239(2) of the Act, and any notice of termination of employment or intention to terminate employment given in accordance with Division IX or X of the Act.

The regulations will also:

- Correct references to the section of the Code that concerns overtime pay, as this section has been divided and renumbered.
- Adjust language to reflect recent amendments to the Code that allow a general holiday to be substituted with any day rather than another holiday.
- Replace the term “sick leave” with “medical leave” and the term “qualified medical practitioner” with “healthcare practitioner” to reflect changes of terminology in the Code.
- Remove references to certain leave types with respect to which an employee engaged in multi-employer employment is deemed to be continuously employed, given that there is no longer a minimum length of service requirement to qualify for these leave types.

The regulations that were pre-published in the Canada Gazette, Part I, on June 26, 2021, contained a provision to remove a reference to Division XIII (medical leave) of the Code in section 29 of the Canada Labour Standards Regulations (CLSR). This section of the CLSR specifies absences that do not interrupt an employee’s continuity of employment.

The proposed housekeeping amendment reflected that there is no longer a minimum length of service requirement to qualify for unpaid medical leave.

However, An Act to amend the Criminal Code and the Canada Labour Code (Bill C-3), which received Royal Assent on Dec. 17, 2021, provides for a new medical leave of absence with pay in Division XIII, with leave entitlement based on the length of the employee's continuous employment.

Thus, the reference to Division XIII should no longer be removed from section 29 of the CLSR because it is required to implement the new paid medical leave under Bill C-3.

As a reminder, federal leaves are only available to federally regulated employers.

Manitoba

Bill 219, The Employment Standards Code Amendment Act (Leave for Miscarriage or Stillbirth) (Private Members Bill)

4th Session, 42nd Legislature

First Reading, March 22, 2022

[Bill 219](#), The Employment Standards Code Amendment Act (leave for miscarriage or stillbirth), is a private members' bill that amends The Employment Standards Code in Manitoba. If passed, it will entitle an employee to take up to three days paid leave if their pregnancy, or the pregnancy of their spouse or common-law partner, ends in miscarriage or stillbirth.

The amount an employer must pay an employee for a paid day of leave under subsection (2) must not be less than:

- The wage the employee would have been paid had the employee worked their regular hours of work on the day of leave; or
- 5% of the employee's total wages, excluding overtime, for the four-week period immediately preceding the day of leave if:
 - The number of hours worked by the employee in a normal workday varies from day to day, or
 - The employee's wage for regular hours of work varies from day to day.

Ontario

Bill 88, Working for Workers Act, 2022

Second Reading, March 23, 2022

Schedule 2 [Employment Standards Act, 2000](#) is amended under Section 50.2, which governs reservist leaves of absence. The amendment provides 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.

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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