

Proposed Ontario legislation give employees more time off work

The Wynne government is set to provide more time off work for Ontario workers. Introduced on March 5, 2013, the Liberal government intends that the *Employment Standards Amendment Act (Leaves to Help Families), 2013* proposed, would 'build on the existing Family Medical Leave' by providing three new areas in which leaves must be provided to workers in Ontario:

1. Family Caregiver Leave, which provides up to 8 weeks of leave for a worker to be absent from work to care and support a family member with a serious illness. An employee's *family member* is defined as:
 - Spouse
 - Parent, step-parent or foster parent
 - Child, step-child, or foster child of employee
 - Grandparent, step-grandparent, grandchild or step-grandchild
 - Spouse of their child
 - Brother or sister
 - Relative who is dependent on the employee for care or assistance
2. Critically Ill Child Care Leave provides for up to 37 weeks off work to care for a child who is critically ill; and
3. Crime-Related Child Death & Disappearance Leave that provides for 52 weeks of leave for the parents of a missing child and up to 104 weeks of leave where a child has died as a result of a crime.

While the proposed legislation is for "unpaid leave", organizations with sick leave benefits programs and/or short term leave programs will likely have to provide paid leave under those programs to the extent of the available leave. Further, the proposed changes are intended to 'build on' the existing Family Leave provisions, meaning that these new leave entitlements are intended to be in addition to the existing leave requirement.

Similar to the existing Family Leave provisions, employees will continue to earn entitlement and seniority while absent from work. Employers would also be required to maintain their portion of benefits payment while the worker is absent from work.

Finally, note that the legislation is silent on the age of the child as well as the residence of the child or family member and therefore it can almost certainly apply to a child of any age and family members residing outside of Ontario.

For more information on how Atworkcanada may be able to assist you with managing workplace absences related to workers' compensation, disability or any of the myriad of leave entitlements, contact us by email or by telephone at 416-239-7561.