

Member's Quarterly

Spring 2019 Edition

Feature

Nova Scotia Aligns with Federal Changes to EI Benefits

More leave time for employees and their families

Amendments to the *Nova Scotia Labour Standards Code* (the "Code") were recently proclaimed that extend unpaid leaves available to new parents and parents of critically ill children in order to take into account recent federal changes that extended EI benefits.

The Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, 2nd Sess, 63rd Leg, Nova Scotia, 2018 ("Bill No. 29") adds provisions to the Code relating to unpaid leaves in order to align with federal employment insurance benefits.

Bill No. 29 amends the Code by:

- reducing pregnancy leave from 17 weeks to 16 weeks;
- increasing parental leave from 52 weeks to 77 weeks;
- increasing combined pregnancy and parental leaves from 52 weeks to 77 weeks;
- extends eligibility for critically ill or injured child leave to employees who are family members of the child; and
- establishes a 16-week unpaid leave for an employee's critically ill or injured adult family member.

To be entitled to critically ill adult care leave, a legally qualified medical practitioner must issue a certificate stating that the adult is critically ill and requires the care and support of the employee and must also set out the period during which the adult requires the care or support and an employer may request a copy of the certificate in writing. The new provisions also prescribe details as to when it can be taken and return to work following the leave.

The passing of Bill No. 29 was not without debate. The NDP proposed amendments to the Bill which would have granted job protection to employees who take leave after only 17 weeks of employment. The Legislature rejected the amendments and Government promised to address the issue through Regulations.

Bill No. 29 was given first reading on September 13, 2018 and was given Royal Assent on October 11, 2018.

Another Private Member's Bill was introduced to the Fall sitting of the Nova Scotia Legislature by a member of the NDP that would offer employee-friendly changes to the *Nova Scotia Labour Standards Code* (the "Code").

Bill No. 46, *An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Sick Leave*, 2nd Sess, 63rd Leg, Nova Scotia, 2018 ("Bill No. 46") was given first reading on September 20, 2018. Bill No. 46 adds provisions to s.60G of the Code which currently provides employees with a maximum of three (3) days of unpaid leave per year due to sickness of a child, parent or family members or for medical, dental or other similar appointments.



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The new provisions introduced by Bill No. 46 would supplement the current provisions and would entitle employees to a paid leave of absence of one-half day per month of employment to a maximum of six (6) days per year for personal illness, injury or medical emergency. These provisions are in addition to other leaves provided under the Code relating to illness, injury, death or care of family members of the employee or employee's spouse. This Bill also recognizes the prevalence of mental health issues in our society by specifically including personal illness, injury or medical emergency associated with mental health.

Be sure to keep an eye out to see how things shake out.

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