

**2018-01**

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By E-mail: One Page

## Changes to the *Employment Standards Act*

### Statutory Leaves of Absences

School districts should be aware of the recent amendments to the *Employment Standards Act* (ESA) to provide new or extended leaves of absence.

#### 1. Pregnancy and Parental Leave

Sections 50 and 51 of the ESA have been amended to reflect the changes previously enacted by the federal government in respect of Employment Insurance, and provide employees with the right to a job-protected 18 month pregnancy/parental leave. A pregnant employee can start maternity leave up to 13 weeks before the expected due date and remains entitled to 17 weeks of unpaid pregnancy leave. A new mother is then entitled to up to 61 weeks of unpaid parental leave, and a non-birth parent or adopting parent is entitled to up to 62 weeks' parental leave, starting within 78 weeks of the child's birth.

There are also transition provisions that allow an employee who is already on parental leave for a child born on or after December 3, 2017 to extend their leave of absence in accordance with the new provisions.

#### 2. Compassionate Care Leave

Section 52.1 of the ESA has been amended to increase the available time for compassionate care leave from the current 8 weeks to 27 weeks of unpaid leave. The other requirements for eligibility for compassionate care leave remain, such as the certificate from a medical practitioner. Employees who have already started or requested a compassionate care leave are entitled to the extended leave, as are those employees who have taken a compassionate care leave within the last 52 weeks (for a combined total of 27 weeks).

#### 3. Leaves for Disappearance or Death of a Child

Sections 52.3 and 52.4 are new to the ESA and provide for unpaid job-protected leave as follows:

- 52 weeks leave for employees who experience the disappearance of a child due to a suspected crime.
- 104 weeks leave for employees who experience the death of a child under 19 years old for any reason.

### Significance

Districts are encouraged to review their policies and employment and collective agreements regarding leaves of absence to ensure they are consistent with the ESA amendments.

### Questions

Districts are welcome to contact their BCPSEA liaison for assistance in such a review.