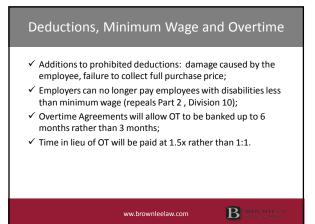


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Overview of Changes to the Employment Standards Code Changes to Existing Laws New Requirements

- Compassionate Care Long-term Illness and Injury Leave . Maternity/Parental Leave • Personal & Family Responsibility • Leave Rest Periods Bereavement Leave Compressed Work Weeks Deductions Domestic Violence Leave Minimum Wage for Persons with Citizenship Ceremony Leave Disabilities Critical Illness of a Child Leave Overtime . Death/Disappearance of a Child Enforcement & Administration of the Code General Holidays and Pay . . . Vacations and Pay . Terminations Layoffs • • Youth Employment B BROWNLEE L
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Compressed Work Week Agreements (AKA "Averaging Agreements")

- ✓ Identify start and end date of term. Cannot be more than 2 years.
- ✓ Average the work hours over 1-12 weeks.
- ✓ Describe the schedule.
- ✓ Cannot work more than 12 hours per day.
- $\checkmark\,$ Cannot work more than 44 hours per week *on average*.
- ✓ Grandfathering may apply if you have existing Compressed Work Week Agreements.

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General Holidays & Pay

- ✓ Intent is to make it easier for employees to determine their eligibility;
- ✓ Removed requirement to have worked for 30 days in the 12 months prior to the holiday;
- Eliminated distinction between regular and non-regular day of work;
- ✓ GH Pay = flat rate of 5% of wages from the previous 4 weeks worked.

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Vacations & Pay

- ✓ Employees must be paid 4% or 2 weeks of their total wages up to 5 years' employment
- ✓ +5 years employment = at least 6% of wages;
- ✓ Half-day vacation increments are now expressly allowed.

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- ✓ Counting a break in employment has changed from 3 months to 90 days.
- $\checkmark\,$ Can now take in ½ day increments instead of 1-day increments.

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Leave Eligibility – General

- ✓ Employees will be eligible for current and new leaves of absence after 90 days of employment (ex. Maternity leave).
- ✓ The previous requirement was 52 weeks of employment.
 ✓ Obligation on employers to provide <u>unpaid</u> leave and job
- protection during leave.
- ✓ Obligation on employers to provide job protection during leave and because of leave.

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Compassionate Care Leave

- \checkmark Job protection extended to 27 weeks.
- $\checkmark\,$ No longer required to be the "primary" caregiver.
- Employee must provide medical certificate. Very specific criteria.
- ✓ 2 weeks' advanced notice of leave (no change) but employers must accommodate absence "as soon as reasonable".
- ✓ Leave ends when family member passes or 27 weeks expires, whichever is first.

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Maternity Leave

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- ✓ Maternity leave entitlement after 90 days rather than 52 weeks;
- ✓ Align ESC provisions to the new federal EI changes;
- ✓ Maternity leave is extended to 16 weeks (currently 15 weeks) to allow for the 1-week wait period for El benefits;
- ✓ If pregnancy "terminates" +16 weeks <u>before</u> due date, mother cannot take maternity leave;
- ✓ If pregnancy "terminates" <16 weeks before due date, mother <u>is</u> eligible for maternity leave (either 16 weeks after leave began or 6 weeks after "termination")

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Parental Leave

- ✓ For the parent taking maternity leave, parental leave still commences upon expiration of the maternity leave;
- ✓ For the other parent, eligible after 90 days of employment;
 ✓ Length of parental leave may be increased by future ESC
- amendments to align to El changes;
- ✓ Parental leave must be taken within 53 weeks of the child's birth. (Previously 52 weeks.)

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New Leaves of Absence

Long-Term Illness & Injury Leave:

- $\checkmark\,$ Unpaid leave up to 16 weeks per calendar year;
- $\checkmark\,$ Medical certificate and reasonable notice required.

Personal & Family Responsibility Leave (i.e. Personal Days):

- ✓ Unpaid leave up to 5 days per calendar year;
- ✓ Used for employee's health or to meet "family responsibilities in relation to a family member"

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New Leaves of Absence Cont.

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Bereavement Leave:

- ✓ Unpaid leave up to 3 days calendar per year (not per death);
- ✓ Death of immediate family member.

Domestic Violence Leave:

- ✓ Broad definition of domestic violence;
- ✓ Unpaid leave up to 10 days per calendar year for specific purposes.

Citizenship Ceremony Leave:

 $\checkmark\,$ Unpaid leave up to ½ day for employees attending their own ceremony.

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New Leaves of Absence Cont.

Critical Illness of a Child Leave:

✓ Unpaid leave up to 36 weeks for parents of critically ill or injured children.

Death or Disappearance of a Child Leave:

- ✓ Unpaid leave up to 52 weeks for employees whose child probably disappeared as a result of a crime.
- ✓ Unpaid leave up to 104 weeks for employees whose child died probably as a result of a crime.

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Resignations by Employees

- ✓ If the employee gives less resignation notice than required, expedite by paying wages for the notice period given.
 - ✓ Ex. Supposed to give 2 weeks but only gave 3 days = pay out 3 days.
- ✓ If the employee gives <u>more</u> resignation notice than required, expedite by paying out the notice period that would have been required.
 - ✓ Ex. Supposed to give 2 weeks but gave 3 weeks = pay out 2 weeks.

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✓ Beware of the common law rules!

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Mass Terminations

Notice to Minister of Labour if terminating groups of employees:

- ✓ 50-100 employees: 8 weeks' notice
- ✓ 101-300 employees: 12 weeks' notice
- ✓ 301+ employees: 16 weeks' notice

Unless employer and employee agree, cannot require employee to use accrued but unused entitlements (vacation, overtime, etc.) during termination notice period.

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