

Impact of Changes to Ontario’s Employment Standards Act on Benefit Plans

Ontario has made several revisions to the *Employment Standards Act* (the “Act”), including increasing the minimum wage. Many of these changes will impact you as an employer, but only a few will impact your benefit plan.

Personal Emergency Leave (PEL)

The Act requires employees be granted 10 days of job protected leave due to illness or the illness of a close family member or an “urgent matter.” The Act previously exempted employers with fewer than 50 employees in Ontario from the requirement to provide this leave, however, there is no longer an exemption and it applies to all employees.

The first two days of this must be paid at the employee’s regular rate of earnings. While employers may require reasonable evidence of the emergency situation, they may not insist on certificates from qualified health practitioners. Further, there is no requirement that the two days be consecutive, so tracking is essential to ensure this requirement is met. For example, an employee may require one day to attend to a sick child in April and then contract the flu themselves in October.

Parental Leave

The Act has been revised to extend job protected parental leave for up to 63 weeks to reflect the benefits available for up to 18 months through the Federal EI maternity/parental program. Ontario is the first province to legislate protection for the full 18 months.

Other Job Protected Leaves

The amendment to the Act includes several modifications to job protected leaves, including leaves to care for critically ill family members and bereavement leaves. These are outside the scope of the benefit plan, but we encourage you to familiarize yourself with the requirements for these leaves.



Vacation

The legislation mandates that the vacation entitlement for all employees increases from two weeks to three weeks following five years of service with an employer.

In Closing: Equity, Scheduling and Other Good Stuff

There are many changes to the Act that increase protection for employees, including provisions regarding equal pay, scheduling, work hours and defining an employee. We encourage you to take the time to review the revisions and ensure your organization is meeting the requirements.

We look forward to discussing these changes with you.

Authors

Lizann Reitmeier, BA, CEBS

Cary Wong, BA, LLB

Produced by the Knowledge Resource Center of Conduent Human Resource Services

The Knowledge Resource Center is responsible for national multi-practice compliance consulting, analysis and publications, government relations, research, surveys, training, and knowledge management. For more information, please contact your account executive or email fyi@conduent.com.

You are welcome to distribute *FYI* publications in their entirety. To manage your subscriptions, or to sign up to receive our mailings, visit our [Subscription Center](#).

This publication is for information only and does not constitute legal advice; consult with legal, tax and other advisors before applying this information to your specific situation.