Human Resources Legislative Update

Ontario Introduces Family Caregiver Leave

Date: December 8, 2011

On December 8, 2011, the Ontario government introduced Bill 30, *Family Caregiver Leave Act (Employment Standards Amendment), 2011*, legislation that, if passed, will amend the *Employment Standards Act, 2000* to create Family Caregiver Leave, effective July 1, 2012. The initiative to provide eligible employees with up to eight weeks of job-protected unpaid leave was first outlined in the Ontario Liberal Party's platform, which was released prior to the October, 2011 provincial election.

According to the government press release, the leave would be available to all full-time, part-time, permanent, or contract employees covered by the *Employment Standards Act, 2000*. If passed, employees would be eligible for the leave to care for:

- a spouse;
- the parent, step-parent, or foster parent of the employee or the employee's spouse;
- a child, step-child, or foster child of the employee or the employee's spouse;
- a grandparent, step-grandparent, grandchild, or step-grand-child of the employee or the employee's spouse;
- the spouse of a child of the employee;
- the employee's brother or sister; or
- a relative of the employee who is dependent on the employee for care or assistance.

An employee would be required to have a medical certificate from a qualified health practitioner stating that the employee's family member has a serious medical condition in order to be eligible for the leave. The employee would have to produce the medical certificate if requested by his or her employer.

Bill 30 would build on the existing Family Medical Leave, which currently provides up to eight weeks of job-protected leave to provide care or support to certain individuals if the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

Should Bill 30 pass, the Ontario government has indicated its intention to press the federal government for an extension of Employment Insurance benefits to those employees who qualify for the leave.