Human Resources Legislative Update

Ontario Seeks Feedback on the Introduction of a Leave of Absence for Long-Term Illness

Date: April 9, 2024

Ontario's Ministry of Labour, Immigration, Training and Skills Development has announced a consultation on the potential introduction of an unpaid leave of absence under the Ontario *Employment Standards Act, 2000* (*ESA*) of up to 27 weeks for employees experiencing serious or critical illness. This would arise either through the creation of a new leave or the extension of the existing critical illness leave to apply to an employee with a critical illness.

Interested employer stakeholders are invited to comment on the following:

- Does the employer provide a long-term leave to employees? If yes, for how long and what are the eligibility requirements?
- Does the employer agree that workers should not have to worry about their job while managing a critical or serious illness?
- If the employer provides sick leave, how is the leave period managed (e.g., are new employees hired, are existing employees asked to work longer, etc.)?
- How would a long-term personal illness leave impact the employer's business?
- Should an employee be entitled to a long-term personal illness leave based on the *ESA* definition of "critical illness" which would require the employee to be at risk of death? Alternatively, should an employee be eligible for the leave if they can provide medical evidence confirming they are unable to work due to a serious medical condition, but not one that necessarily poses a significant risk of death?
- What evidence of entitlement should be required for a long-term personal illness leave?
- Any other feedback on the components of the two proposed forms of leave.

Comments on the proposed introduction of an unpaid personal long-term illness leave can be submitted until **May 6, 2024**.

If you have any questions about this consultation, please feel free to contact your regular Hicks Morley lawyer.