



BILL NO. 220

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
69 Elizabeth II, 2020*

An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting Leave

CHAPTER 13
ACTS OF 2020

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MARCH 10, 2020**

The Honourable Labi Kousoulis
Minister of Labour and Advanced Education

*Halifax, Nova Scotia
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**An Act to Amend Chapter 246
of the Revised Statutes, 1989,
the Labour Standards Code,
Respecting Leave**

Be it enacted by the Governor and Assembly as follows:

1 Clauses 7(bf) and (bg) of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, are repealed and the following clause substituted:

(bf) prescribe a period of less than three months of employment during which a class of employees who are members of the Reserves, as defined in Section 60H, may be employed with the employer for the purpose of establishing entitlement to a leave under Section 60H;

2 Clause 59(3)(a) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by striking out “one week after” in the first and second lines.

3 (1) Subsection 59D(1) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by striking out “An” in the first line and substituting “Subject to subsection (1A), an”.

(2) Section 59D of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by adding immediately after subsection (1) the following subsection:

(1A) Where an employee will have been employed for fewer than four weeks as of the date the employee’s pregnancy leave pursuant to subsection (2) of Section 59 or the employee’s parental leave pursuant to subsection (3) of Section 59B is to begin, the employee shall give the employer as much notice of the date the employee will begin the leave as is reasonably practicable in the circumstances.

(3) Subsection 59D(2) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by adding “or (1A)” immediately after “(1)” in the second line.

4 The heading before Section 60H of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as enacted by Chapter 13 of the Acts of 2006, is repealed and “RESERVIST LEAVE” substituted.

5 Section 60H of Chapter 246 is repealed and the following Sections substituted:

60H (1) In this Section and Section 60HA,

(a) “Reserves” means that component of the Canadian Forces referred to in the *National Defence Act* (Canada) as the reserve force;

(b) “service” means a period of

(i) deployment to a Canadian Forces operation, inside or outside of Canada, or engagement inside or outside of Canada in a

pre-deployment or post-deployment activity required by the Canadian Forces in connection with a deployment,

(ii) training required by the Canadian Forces, including Canadian Forces military skills training, or

(iii) time in relation to an operation, activity or training referred to in subclause (i) or (ii), for

(A) travel from or to the employee's residence in connection with the operation, activity or training, or

(B) treatment, recovery or rehabilitation with respect to a physical or mental health problem that results from engagement in the operation, activity or training.

(2) An employee who

(a) is a member of the Reserves;

(b) has been employed by an employer for a period of at least three months or such shorter period as may be prescribed; and

(c) is required by the Canadian Forces to be absent from the employer's civilian employment for the purpose of service,

is entitled to an unpaid leave of absence for the purpose of service in accordance with this Section and Section 60HA.

(3) Subject to subsection (4), the entitlement under subsection (2) may total no more than twenty-four months in any sixty-month period.

(4) Subsection (3) does not apply to a leave of absence taken as a result of a national emergency within the meaning of the *Emergencies Act* (Canada).

60HA (1) Subject to subsection (2), an employee who meets the criteria in subsection (2) of Section 60H is entitled to a leave of absence upon giving the employer notice in writing, at least four weeks in advance of the date the employee intends to begin the leave, of

(a) the employee's intention to take the leave;

(b) the anticipated commencement and end date of the leave; and

(c) the anticipated date of return to work.

(2) Where the employee receives notice of the requirement to participate in a period of service and the notice is received less than four weeks before the service is anticipated to commence, the employee shall notify the employer of the information required by clauses (a) to (c) of subsection (1)

(a) as soon as is reasonably practicable; and

(b) in writing, unless it is not reasonably practicable to do so.

(3) Where the employer so requests, the employee shall, as soon as is reasonably practicable, provide the employer with a certificate from an official with the Reserves,

(a) stating that the employee is a member of the Reserves and is required for service; and

(b) where possible, specifying the expected dates for the period of service.

(4) Subject to subsection (5), every employee taking a leave of absence pursuant to subsection (2) of Section 60H shall

(a) where any of the information in clause (b) or (c) of subsection (1) changes, provide the employer with at least four weeks' notice in writing of the new commencement or end date of the leave or the new anticipated date of return to work; and

(b) return to work no later than

(i) four weeks after the employee's period of service ends, or

(ii) in the case of a period of service that consists of training other than deployment, the next regularly scheduled working day following the period of service.

(5) Where the employee receives less than four weeks' notice that the commencement or end date of a period of service will change and the employee is taking or will take a leave of absence in respect of that period of service, the employee shall notify the employer of the new commencement or end date of the leave and of any anticipated change in the date of return to work that results from that change

(a) as soon as is reasonably practicable; and

(b) in writing, unless it is not reasonably practicable to do so.

6 This Act, except Sections 2 and 3, comes into force on such day as the Governor in Council orders and declares by proclamation.
