

# Recent Changes to Bereavement Leave in Manitoba

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On May 30, 2023, an amendment to bereavement leave entitlements under *The Employment Standards Code* (the “Code”) came into effect. The amendment expands existing bereavement leave entitlements upon the death of a family member and creates a new form of bereavement leave for the loss of a pregnancy.



Provincially regulated employers in Manitoba will want to take note of the changes and make necessary amendments to any existing policies or employee handbooks that address leave entitlements.

## **Expanded bereavement leave**

Employees are now eligible for five days of unpaid leave for the death of a family member. This is an increase from the three days of unpaid leave that were previously allotted under the Code.

## **Bereavement leave for loss of pregnancy**

An employee may now take up to five days of unpaid leave if they or their spouse or common-law partner experiences the loss of a pregnancy. The five-day unpaid leave entitlement also applies to an employee who had undertaken to be the guardian of the child born as a result of the pregnancy as well as the spouse or common-law partner of that person. If there has been a relationship breakdown since the pregnancy began, the former spouse or common-law partner of the person who experiences the loss of the pregnancy and the current spouse or common-law partner of the former spouse or common-law partner are also eligible for five days of unpaid leave.

The changes do not set any conditions on the length of a pregnancy before an employee is eligible for the unpaid leave. However, an employee must have been employed with the employer for at least 30 days to be entitled to bereavement leave.

## **Additional obligations**

Employers should remain aware that in addition to the protected leave entitlements under the Code, they may have obligations to employees experiencing loss, pursuant to *The Human*

*Rights Code.* For example, an employee who has experienced a pregnancy loss and is experiencing physical or mental health disability may be entitled to additional unpaid leave or other reasonable accommodation.

Thompson Dorfman Sweatman LLP frequently assists employers with navigating requests for leave or other forms of accommodation. Should you have any questions with respect to the application of these changes, please do not hesitate to reach out; **one of our employment lawyers** will be happy to assist.

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