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New Additions to the Employment Standards Code

By Melissa Beaumont



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Employers are advised that new leave of absence provisions have recently been added to *The Employment Standards Code of Manitoba*. The following is a brief summary of these additions:

As of April 1, 2016: Addition of unpaid **Long-Term Leave for Serious Injury or Illness** (unpaid leave of up to 17 weeks in any 52 week period).

As of April 1, 2016: Unpaid **Compassionate Care Leave** has been extended from 8 weeks to 28 weeks.

As of June 1, 2016: Addition of **Domestic Violence Leave**. The key features of this leave are:

- An employee is entitled to both a leave of up to 10 days (intermittent or continuous) and a leave of up to 17 weeks (continuous).
- The leave is to be taken for the following purposes: for the employee to seek medical assistance for him or herself or his or her child, to obtain victim services, to obtain counselling, to relocate, to seek legal/law enforcement assistance (including preparing for or participating in legal proceedings), and for any other reason as may be prescribed by regulation.
- The leave is mostly unpaid but up to 5 days are to be paid, provided that when giving notice of the leave the employee notifies the employer which days, if any, are to be paid.
- The 5 paid days requirement does not apply if the employer already provides greater paid sick leave or other paid leave benefits and it requires that the employee use those benefits instead.
- The employer must maintain confidentiality of all matters that come to its knowledge and must not disclose any information relating to the leave except for in certain limited circumstances as identified in the legislation.

Please refer directly to *The Employment Standards Code* for the full provisions regarding Long-Term Leave for Serious Injury or Illness and Compassionate Care Leave which are already in force:

<https://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php>

Please refer directly to Bill 8 - *The Employment Standards Code Amendment Act* for the full provisions regarding the Domestic Violence Leave that will be in effect as of June 1, 2016:

<https://web2.gov.mb.ca/laws/statutes/2016/c00216e.php#>

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While care is taken to ensure the accuracy for the purposes stated, before relying upon these articles, you should seek and be guided by legal advice based on your specific circumstances. We would be pleased to provide you with our assistance on any of the issues raised in these articles.

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Melissa practices in the areas of labour and employment law and human rights law. She has experience providing advice to both employees and employers, in both unionized and non-unionized contexts. Melissa has experience in matters before the Manitoba Labour Board, collective bargaining, grievance arbitrations, judicial review hearings, human rights complaint processes and wrongful dismissal litigation. Melissa also provides advice with respect to employment contracts, independent contractor agreements, workplace policies, compliance (including employment standards and workplace safety legislation) and employment terminations.