

Information on Ontario's New Employment Law for Employers and Employees

What is the new employment law?

The Ontario government passed the *Fair Workplaces, Better Jobs Act, 2017* in November 2017. The Act updates the laws that protect workers. The new law includes changes to:

- **Minimum wage** (\$14.00 an hour general minimum wage as of January 1, 2018; planned phase-in of \$15.00 an hour on January 1, 2019)
- **Leave provisions** (personal emergency leave, family medical leave, domestic or sexual violence leave and other leave entitlements)
- **Vacation entitlement and public holiday pay**
- **Several other provisions** (For more information, see www.labour.gov.on.ca/english/es/.)

What is personal emergency leave, and when can it be taken?

Employees in Ontario can now take 10 days of personal emergency leave per calendar year. A “personal emergency” is a personal illness, injury, or emergency or the illness, injury, death, emergency or urgent matter of a family member¹.

- The first 2 days of personal emergency leave are paid and the remaining 8 days are unpaid.
- An employee can take personal emergency leave as soon as they start their job, but the 2 paid days can only be taken after one week of employment.
- An employer cannot discipline or fire an employee for taking personal emergency leave.
- Unused personal emergency leave days cannot be carried over to a new year.

What kind of proof can employers require?

Under the new Act, employers are not permitted to require a medical certificate from a qualified health practitioner² (“sick note”) as proof of an employee’s illness when the employee takes any of the 10 days of personal emergency leave. Employers can request other types of evidence when reasonable in the circumstances. It may be permitted for employers to require sick notes for other types of leave.

Why get rid of sick notes?

Sick notes are seen by many health providers as impractical and unnecessary. There are several reasons:

- Sick notes can bring patients with infections into waiting rooms where they may spread their illness to other patients. This can be dangerous for patients with low immunity, including people who are very young, very old or pregnant.
- Any time a person spends getting a sick note is healing time lost. This may slow down a person’s recovery from their illness, delaying their return to work.
- The health system can be more efficient when health providers are able to focus on seeing patients who need medical help, and not those who simply need to fulfill a sick note requirement for their employer.

Want more information?

Visit the Ministry of Labour’s website to learn more about the new law: www.labour.gov.on.ca/english/es/.

¹ Personal emergency leave may be taken for personal illness, injury, or emergency, or for a personal illness, injury, emergency or urgent matter relating to an employee’s spouse (married or unmarried), parent, step-parent, foster parent, child, step-child, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee’s spouse. It may also be used for these matters relating to the spouse of the employee’s child, brother or sister of the employee, or relative of the employee who is dependent on the employee for care or assistance.

² A “qualified health practitioner” means a physician, a registered nurse or a psychologist qualified to practice in Ontario or in another jurisdiction in which care or treatment is provided to the employee or specified family member. (<https://www.ontario.ca/document/your-guide-employment-standards-act-0/personal-emergency-leave>)