



BILL NO. 7

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
52 Elizabeth II, 2003*

**An Act to Amend Chapter 246
of the Revised Statutes, 1989,
the Labour Standards Code, and
Chapter 494 of the Revised Statutes, 1989,
the Vital Statistics Act**

CHAPTER 4
ACTS OF 2003 (SECOND SESSION)

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2003**

The Honourable Kerry Morash
Minister of Environment and Labour

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

**An Act to Amend Chapter 246
of the Revised Statutes, 1989,
the Labour Standards Code, and
Chapter 494 of the Revised Statutes, 1989,
the Vital Statistics Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 7 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as amended by Chapter 14 of the Acts of 1991, is further amended by adding immediately after clause (bc) the following clause:

(bd) prescribing classes of persons for the purpose of subclause (iv) of the definition of “family member” in clause (b) of subsection (1) of Section 60E;

2 Chapter 246 is further amended by adding immediately after Section 60D the following heading and Sections:

COMPASSIONATE-CARE LEAVE

60E (1) In this Section,

(a) “common-law partner” of an individual means another individual who has cohabited with the individual in a conjugal relationship for a period of at least one year;

(b) “family member”, in relation to an employee, means

(i) a spouse or common-law partner of the employee,

(ii) a child of the employee or a child of the employee’s spouse or common-law partner,

(iii) a parent of the employee or a spouse or common-law partner of the parent, and

(iv) any other person who is a member of a class of persons prescribed in the regulations for the purpose of this definition;

(c) “week” means the period between midnight on Saturday and midnight on the following Saturday.

(2) An employee who has been employed by an employer for a period of at least three months is entitled to an unpaid leave of absence of up to eight weeks to provide care or support to a family member of the employee if a legally qualified medical practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within twenty-six weeks from

(a) the day the certificate is issued; or

(b) where the leave was begun before the certificate was issued, the day the leave was begun.

(3) The leave of absence referred to in subsection (2) may only be taken during the period

(a) that begins with

(i) the first day of the week in which the certificate is issued, or

(ii) where the leave was begun before the certificate was issued, the first day of the week in which the leave was begun if the certificate is valid from any day in that week; and

(b) that ends with the last day of the week in which either of the following occurs:

(i) the family member dies, or

(ii) the expiration of twenty-six weeks following the first day of the week referred to in clause (a).

(4) A leave of absence under this Section may only be taken in periods of not less than one week's duration.

(5) Where requested in writing by the employer, the employee must provide the employer with a copy of the certificate referred to in subsection (2).

(6) For the period of time specified in subsection (2), the employer shall grant to the employee the option of maintaining a benefit plan in which the employee participated before the beginning of that period and shall notify the employee in writing of the option and the date beyond which the option may no longer be exercised at least ten days before the last day on which the option could be exercised to avoid an interruption in benefits.

(7) Where the employee opts in writing to maintain the benefit plan referred to in subsection (6), the employee shall enter into an arrangement with the employer to pay the cost required to maintain the benefit plan, including the employer's share thereof, and the employer shall process the documentation and payments as arranged.

(8) Nothing in subsection (7) prevents an employer from contributing to the cost of a benefit plan referred to in subsection (6).

(9) An employee shall advise an employer as soon as possible of any intention to take a leave of absence under this Section.

60F Sections 59G to 60 apply *mutatis mutandis* to an employee who takes a leave of absence pursuant to Section 60E.

3 Subsection 54(2) of Chapter 494 of the Revised Statutes, 1989, the *Vital Statistics Act*, as enacted by Chapter 29 of the Acts of 2000 and amended by Chapters 5 and 31 of the Acts of 2001, is further amended by adding immediately after clause (e) the following clause:

(ea) an employee with respect to a spouse under Sections 60A, 60E and 60F of the *Labour Standards Code*;

4 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
