



# **BILL NO. 203**

*Government Bill*

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*1st Session, 64th General Assembly  
Nova Scotia  
1 Charles III, 2022*

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## **An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code**

CHAPTER 41  
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
NOVEMBER 9, 2022**

The Honourable Jill Balsler  
*Minister of Labour, Skills and Immigration*

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

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

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as *Ruby's Law*.

2 Section 7 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as amended by Chapter 14 of the Acts of 1991, Chapter 4 of the Acts of 2003 (Second Session), Chapters 10 and 13 of the Acts of 2006, Chapter 18 of the Acts of 2009, Chapter 37 of the Acts of 2010, Chapter 19 of the Acts of 2011, Chapter 11 of the Acts of 2013, Chapter 11 of the Acts of 2016, Chapters 13 and 36 of the Acts of 2018 and Chapters 13 and 14 of the Acts of 2020, is further amended by adding immediately after clause (bac) the following clause:

(bad) specify the nature, content and timing of information an employee must provide to an employer for the purpose of subsection (3) of Section 60;

3 Subsection 58A(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by adding “, 59F, 59G” immediately after “59C” in the second line.

4 (1) Subsection 58B(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by adding “, 59F, 59G” immediately after “59B” in the second line.

(2) Subsection 58B(2) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by adding “, 59F, 59G” immediately after “59B” in the fourth line.

5 Section 58D of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by

(a) adding “, 59F, 59G” immediately after “59B” in the second line; and

(b) adding “, except as otherwise provided in this Act” immediately after “Act” in the last line.

6 Subsection 58E(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by adding “, 59F, 59G” immediately after “59C” in the third line.

7 Clause 58F(1)(a) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018, is further amended by adding “, 59F, 59G” immediately after “59B” in the fourth line.

**8 Chapter 246 is further amended by adding immediately after Section 59E the following Sections:**

59F (1) In this Section and Section 59G, “end of pregnancy” means a pregnancy that ends other than as a result of a live birth.

(2) An employee is entitled to an unpaid leave of absence of up to, at the employee’s option, five consecutive working days, if

- (a) the employee experiences an end of pregnancy;
- (b) the employee’s spouse experiences an end of pregnancy;
- (c) the employee’s former spouse experiences an end of pregnancy and the employee would have been the biological parent of a child born as a result of the pregnancy;
- (d) another person experiences an end of pregnancy and the employee would have become the parent of a child born as a result of the pregnancy under a surrogacy agreement; or
- (e) another person experiences an end of pregnancy and the employee would have become the parent of a child born as a result of the pregnancy under an intended adoption pursuant to the laws of the Province.

59G (1) Subject to subsection (2), an employee is entitled to an unpaid leave of absence of up to, at the employee’s option, sixteen weeks upon the employee experiencing an end of pregnancy after the nineteenth week of the employee’s pregnancy.

(2) An employee who experiences an end of pregnancy while on pregnancy leave under subsection (1) of Section 59 is entitled to

- (a) the remainder of the leave under subsection (1) of Section 59;
- or
- (b) where the employee has taken more than ten weeks of pregnancy leave under subsection (1) of Section 59, up to an additional six weeks of unpaid leave of absence, starting on the day the end of pregnancy occurs,

at the employee’s option.

(3) An employee who takes a leave of absence under this Section is not entitled to subsequently take a leave of absence under subsection (2) of Section 59F as a result of the same end of pregnancy.

(4) Where an employee takes a leave of absence under subsection (2) of Section 59F and is entitled to a leave under this Section as a result of the same end of pregnancy, the employee may take a leave under this Section if

- (a) the leaves are taken consecutively; and
- (b) any amount of leave taken under subsection (2) of Section 59F is deducted from the maximum amount of leave to which the employee is entitled under this Section.

60 (1) An employee shall give the employer as much notice as is reasonably practicable of the employee's intention to take a leave of absence under Section 59F or 59G.

(2) Where an employee begins a leave of absence under Section 59F or 59G before advising the employer under subsection (1), the employee shall advise the employer as soon as is reasonably practicable of the date the leave began and the anticipated end date of the leave.

(3) An employer may require an employee who takes a leave of absence under Section 59F or 59G to provide such information, in a form approved by the Director, in support of the employee's entitlement to the leave as may be prescribed by the regulations or, in the absence of applicable regulations, as is reasonable in the circumstances.

(4) Nothing in Section 59F or 59G or subsection (3) entitles an employee who is seeking a leave of absence under clause (b), (c), (d) or (e) of subsection (2) of Section 59F the right to

(a) collect, use or disclose personal information about the person on whose pregnancy the leave is based without that person's consent; or

(b) compel the disclosure of personal information about the person on whose pregnancy the leave is based from any person.

9 This Act has effect on and after January 1, 2023.

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