



Government of
Northwest Territories

BILL 57

AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT

Plain Language Summary





Government of Northwest Territories

If you would like this information in another official language, call us.

English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

Kīspin ki nitawihtin ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tlıç hǫ yati k'eeę, Dı wegodi newǫ dè, gots'o gonede.

Tłóż hę

Periht'ís Dëne Sułiné yati t'a huts'elkér xa beyáyatı thepə pat'e, nuwe ts'ën yólti.

Chipewyan

Edi gondı dehgáh got'ię zhatié k'éé, edat'éh enahddhé nide naxets'é, edahhlí.

South Slavey

K'áhshó got'inq e xədə k'é hederi ɬedih tl'é yeriniwé níid é dúle.

North Slavey

Jii gwandak izhii ginjìk vat'atr'ijahch'uu zhit yinohthan jì', diits'at ginohkhìi.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

Inuvialuktun

Inuktitut

Hapkua titiqqat pijumagupkit Inuinnagtun, uvaptinnut hivajarlutit.

Inuinnagtun

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Introduction

This document provides a plain language summary of Bill 57, *An Act to Amend the Employment Standards Act* (Bill). The Bill has been introduced in the Legislative Assembly. This summary is intended to assist in simplifying the Bill for public review. It is not intended to be an interpretation of the Bill. For clarity, the Bill has not yet been passed into law. The Bill may be changed before it is made into law by the Legislative Assembly and the Northwest Territories (NWT) Commissioner and, until that time, it is not enforceable. This summary should not be considered an interpretation of any final amendments to the *Employment Standards Act* that may be passed into law following this process.

This plain language summary is without prejudice to the position that the Government of the Northwest Territories may subsequently take on the interpretation of any provision in Bill 57.

To review Bill 57, or learn more about the legislative process, please see the Legislative Assembly's webpage at www.assembly.gov.nt.ca.

What is Bill 57?

Bill 57 is to amend the *Employment Standards Act* (Act) to align with recent changes to the *Canada Labour Code* (Code) and the federal *Employment Insurance Act* (EI Act), as well as to update certain provisions of the Act to better protect NWT workers.

The changes include:

- extending the time of unpaid parental leave that an employee may take, and further extending that time for parents who share parental leave (referred to as parental sharing leave);
- extending the time of unpaid compassionate care leave that an employee may take;
- introducing family caregiver leave to allow eligible workers to take time off work to care for family members who are critically ill or injured;
- introducing family violence leave to allow victims of family violence to take time off work; and
- expanding the definition of "family member" to include individuals who are like family, regardless of their blood-relationship to the person they are caring for.

The changes to the federal EI program to extend federal EI benefits, such as parental EI benefits, and to create the new family caregiver EI benefit have already been made in the federal law. The changes proposed here to the NWT Act would protect workers' jobs by providing unpaid leave so they could access the full extent of those federal EI benefits. However, even workers who do not qualify for or who do not apply for federal EI benefits would be able to take the types of unpaid leave protected in the Act.

Summary of Bill 57- *Act to Amend the Employment Standards Act*

The key features of the Bill are summarized below.

New Definitions

The Bill adds new definitions to the Act. These are:

- “care” and “support”: these new definitions would apply to compassionate care leave and the new family caregiver leave. These definitions are to clarify that those types of leave can be taken by an employee to broadly care for or support a family member. The care or support does not need to be medical care that would be provided by a medical professional. This matches the definition federally and helps ensure that the NWT leave provisions align with the federal EI program.
- “family member”: this new definition matches the definition of “family member” with the definition in the EI Act. This definition includes individuals in a family-like relationship regardless of their blood-relationship, which creates flexibility and ensures that people have access to the support and care they need.

Extended Parental Leave

This change increases the amount of parental leave that an employee may take to 61 weeks within a 78 week period, which can be taken immediately following pregnancy leave. This change aligns with the new extended federal EI parental benefit and provides job protection for employees who want to access the extended federal benefit.

Parental Sharing Leave

This change provides for parental leave-sharing. In the Bill it is protected under special sections of the general parental leave category. If parents share parental leave, they are entitled to take up to 69 weeks within an 86 week period. This change provides job protection for employees who take advantage of the new federal parental EI sharing benefit. Under that federal benefit, parents who agree to share parental leave may get up to 8 additional weeks of EI benefits

Compassionate Leave

This change extends the amount of compassionate leave that an employee may take from 8 weeks to 27 weeks each year. This change aligns with the new extended federal EI compassionate care benefit and provides job protection for employees who want to access the extended federal benefit.

New Family Caregiver Leave

This new type of leave is not currently available in the NWT and would provide up to 17 weeks of annual unpaid leave to provide care or support for a family member who is critically ill or injured. This new leave aligns with the new federal EI family caregiver benefit and provides job protection for employees who want to access the new federal benefit.

Family Violence Leave

This new type of leave is currently not available in the NWT and would provide 5 days of paid and 5 days of unpaid annual domestic violence leave with an option of up to an additional 15 unpaid weeks of leave. This leave could be taken to seek medical attention, attend counselling, and for a variety of other purposes.

The days vs. the weeks of leave are to respond to different situations. The days may be taken on an emergency basis without needing to give prior notice to the employer if it is not possible. The weeks of leave are to address ongoing family violence situations. To take the weeks of leave an employee must give prior written notice to their employer. The Bill specifies that an employer must ensure that confidentiality of any records given to them is maintained.

Youth Workers

Under the *Safety Act*, youth workers are prohibited from being employed in certain industries, such as construction. The Bill includes changes to align with the *Safety Act*.