

**The Cabinet
Office**

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des ministres**

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Memorandum to: Human Resources Directors and CAO's

Subject: Family Medical Leave Legislation and
Application to OPS employees

The *Employment Standards Act 2004 (ESA)* was amended earlier this year to include new legislation for a Family Medical Leave in Ontario.

The federal *Employment Insurance Act (EI)* was amended to provide payment of up to (6) weeks of EI benefits known as "Compassionate Care" benefits. The *Canada Labour Code* was also changed to provide the job-protected leave to federally regulated employees only. Each jurisdiction was left to provide job-protected leave for provincially regulated employees. The introduction of "Family Medical Leave" provisions in Ontario is similar to the federal legislation.

The new provision provides up to (8) eight weeks of job-protected leave for employees to care for terminally-ill family members.

Crown employees are covered under this section of the *ESA*, and as such, are eligible for Family Medical Leave and may be shared among family members caring for the same individual. This is a leave without pay but credit for seniority, length of service and length of employment continue as if the employee was at work.

Current OPS leave entitlements allow classified employees to apply for discretionary leaves that may include dependent care. Some collective agreements also extend limited unpaid leave access to unclassified employees. The new Family Medical Leave legislation will allow job-protected leave to both classified and unclassified employees.

Attached are materials that may be of interest regarding the new Family Medical Leave legislation. One document was developed for HR practitioners and Managers and one for employees:

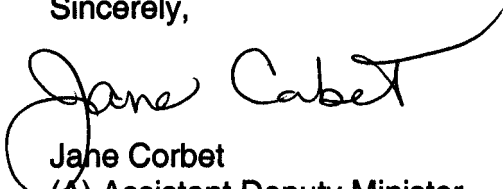
- for HR Practitioners and Managers:
 - Comprehensive chart setting out the current discretionary leave entitlements, in addition to Family Medical Leave
- for OPS employees:
 - Questions and Answers (which will be posted on the “HR OpenWeb”)

Employees can access information that has been posted on the Ministry of Labour’s website at http://www.gov.on.ca/LAB/english/news/m_fml.html.

Other useful information can be found on the Human Resources and Skills Development Canada (HRSDC) website at http://www.hrsdc.gc.ca/en/ei/types/compassionate_care.shtml

Should you have further questions, you may contact the Benefits Policy Unit of the Total Compensation Strategy Branch at (416) 325-4141.

Sincerely,



Jane Corbet
(A) Assistant Deputy Minister

Attachments: Chart
Questions and Answers

c: Donna Marafioti, ADM -Human Resources Services Delivery Transformation Division
Benefit Coordinators