

Changes to Employment Standards in New Brunswick and Newfoundland and Labrador

Recently, New Brunswick and Newfoundland and Labrador have amended their respective employment standards legislation in order to correspond to the federal changes to employment insurance. The changes to the New Brunswick *Employment Standards Act* and Newfoundland and Labrador *Labour Standards Act* are outlined below in detail.

- ***New Brunswick:*** New Brunswick has increased the length of an unpaid parental leave following birth or adoption from 37 to 62 consecutive weeks. As a result, the combined maximum leave between maternity and parental leave is 78 weeks (18 months). In addition, employees may commence maternity leave 13 weeks before the date of the expected delivery.

New Brunswick has also introduced new regulations under the General Regulations - *Occupational Health and Safety Act* (“New Regulations”) aimed at identifying and preventing violence and harassment in the workplace to take effect September 1, 2018. The New Regulations require all employers to develop a written harassment policy; conduct an assessment regarding the risk of violence in the workplace; and if the violence assessment reveals a risk of violence in the workplace, establish a written violence policy. The New Regulations also set out that employers are to provide training to all employees with respect to the harassment and violence policy.

- ***Newfoundland and Labrador:*** Newfoundland and Labrador have increased the length of an unpaid parental leave following birth or adoption from 35 to 61 consecutive weeks. As a result, the combined maximum leave between maternity and parental leave is 78 weeks (18 months). In addition, employees may commence maternity leave no earlier than 17 weeks before the due date.



In light of the above changes, employers in New Brunswick and Newfoundland and Labrador may need to review and revise their policies.

We note that the other Atlantic provinces, Nova Scotia and Prince Edward Island, have not increased the amount of parental leave employees are entitled to. The Nova Scotia *Labour Standards Code* and the Prince Edward Island *Employment Standards Act* provides parents up to 35 weeks of parental leave, beginning immediately after maternity leave (if applicable). The combined maximum leave in both provinces between maternity and parental leave is 52 weeks (12 months).

If you have any questions regarding pregnancy and parental leave, harassment and violence in the workplace or if you would like your policies reviewed, please contact e2r® to speak with an Advisor.

