

## Changes to the ESA for Personal Emergency Leave Days

Bill 148 expanded the entitlement to personal emergency leave ("PEL") under the Employment Standards Act.

- The change requires employers to pay for the first two days of personal emergency leave for employees with at least one week's employment.
- It prohibits employers from requiring doctors' notes when an employee claims leave due to illness under Personal Emergency Leave.

## Qualifying for Personal Emergency Leave Days

An employee who is entitled to personal emergency leave can take up to 10 days of leave each calendar year due to:

- personal illness, injury or medical emergency
- or**
- death, illness, injury, medical emergency or urgent matter relating to the following family members:
  - spouse (includes both married and unmarried couples, of the same or opposite genders)
  - parent, step-parent, foster parent, child, step-child, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
  - spouse of the employee's child
  - brother or sister of the employee
  - relative of the employee who is dependent on the employee for care or assistance
- An employee can also take personal emergency leave because of an "urgent matter" concerning any of the family members listed above. An urgent matter is an event that is unplanned or out of the employee's control, and can cause serious negative consequences, including emotional harm, if not responded to.

## Important PEL Days Facts

- An employer may require an employee to provide evidence "reasonable in the circumstances" that they are eligible for personal emergency leave. However, employers cannot require employees to provide a medical note from a physician, registered nurse or psychologist.
- There is no deduction from your seniority when taking Personal Emergency Leave days, you earn a day as if you had worked.
- Employers cannot threaten, fire or penalize in any way an employee who takes or plans on taking a personal emergency leave.

## Where to get more Information?

Contact your CUPE 5167 Union Representative. Visit [www.cupe5167.org](http://www.cupe5167.org) for contact information.

View the guide to the Employment Standards Act online

<https://www.ontario.ca/document/your-guide-employment-standards-act-0>