



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

2nd SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
70 ELIZABETH II, 2021

(Bill No. 34)

An Act to Amend the Employment Standards Act (No. 3)

Hon. Matthew MacKay
Minister of Economic Growth, Tourism and Culture

GOVERNMENT BILL

Andrea MacRae
Acting Queen's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR
66th General Assembly / 2nd / 2021

AMENDMENTS

BILL NUMBER: 34 PAGE No. 2 of 6 PAGES

TITLE: An Act to Amend the Employment Standards Act (No. 3)

#	SECTION	AMENDMENT	DATE

<p>NOTED:</p> <p>_____</p> <p style="text-align: center;">COMMITTEE CLERK</p>	<p>CERTIFIED CORRECT:</p> <p>_____</p> <p style="text-align: center;">CHAIR, IN COMMITTEE</p>
---	---



AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT (NO. 3)

BILL NO. 34

2021

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Clause 1(k) of the *Employment Standards Act R.S.P.E.I. 1988, Cap. E-6.2*, is amended by the deletion of the words “Justice and Public Safety and Attorney General” and the substitution of the words “Economic Growth, Tourism and Culture”.**

2. **Subsection 22(3) of the Act is amended by the deletion of the words “fifty two week period” and the substitution of the words “78-week period”.**

3. (1) **Section 23 of the Act is amended by the addition of the following after subsection (1):**

Inclusion of prenatal pregnancy loss, stillbirth

(1.01) In this section, the entitlement to bereavement leave includes, as if it were the death of a member of the immediate family of an employee referred to in subsection (1),

- (a) the end of the employee’s pregnancy by way of prenatal pregnancy loss or stillbirth; and
- (b) the end of another person’s pregnancy by way of prenatal pregnancy loss or stillbirth if the employee
 - (i) is that person’s spouse or partner,
 - (ii) is that person’s former spouse or partner and would have been a biological parent of a child born as a result of the pregnancy, or
 - (iii) would have been an intended parent of a child born as a result of the pregnancy under a surrogacy agreement.

(2) **Subsection 23(2) of the Act is amended**

- (a) **by the addition of the words “referred to in subsection (1)” after the words “period of bereavement”;**
- (b) **by the deletion of the words “take such a” and the substitution of the words “delay the”;**
- (c) **by the deletion of the word “must” and the substitution of the word “shall”; and**

(d) by the addition of the words “, if any,” after the words “or the memorial service”.



EXPLANATORY NOTES

SECTION 1 amends clause 1(k) of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, to correct the title of the Minister responsible for the administration of the Act.

SECTION 2 amends subsection 22(3) of the Act to correct a reference to a “fifty two week period”, which should be a “78-week period”, for consistency with the period specified in subsection 22(2.1) of the Act.

SECTION 3 amends section 23 by adding a new subsection (1.01) that provides that the entitlement to bereavement leave for an employee includes the end of a pregnancy by way of prenatal pregnancy loss or stillbirth in the specified circumstances as if it were the death of a member of the immediate family of the employee. The section also amends subsection 23(2) to clarify when the bereavement leave must be taken.

(Bill No. 34)

**An Act to Amend the
Employment Standards Act (No. 3)**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	October 19, 2021
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. Matthew MacKay
Minister of Economic Growth, Tourism and Culture

GOVERNMENT BILL

2021
2nd SESSION, 66th GENERAL ASSEMBLY