

Compendium
**Fairness for Military Families Act (Employment Standards and Health Insurance),
2007**

This compendium summarizes the provisions of the *Fairness for Military Families Act (Employment Standards and Health Insurance), 2007* (the “Act”), which, if passed, would provide as follows:

General

The *Fairness for Military Families Act (Employment Standards and Health Insurance), 2007* amends legislation administered by the Ministry of Labour and the Ministry of Health and Long-Term Care.

Schedule A: Amendments to the Employment Standards Act, 2000

The Bill would, if passed, amend the *Employment Standards Act, 2000* to provide job protected leave for reservists who are deployed to specified Canadian Forces operations.

The reservist leave provisions would apply to all employers covered by the *Employment Standards Act, 2000*, regardless of size. An employee who is a reservist, and who worked for their civilian employer for at least six consecutive months, would be entitled to take a leave without pay if he or she is deployed to a Canadian Forces operation outside Canada or to an operation inside Canada that provides assistance in dealing with an emergency.

Upon completion of the leave, employers would be required to reinstate the reservists to their same position if it still exists, or to a comparable position if it does not.

Reservists would generally be required to provide reasonable notice to their employers, in writing, before beginning and ending the leave. They would also be required to provide evidence of entitlement to the leave, if requested by their employer.

Employers would be allowed to postpone the reservist’s return date for two weeks or one pay period whichever is later. Employers would not be required to continue to contribute to any benefit plans during the leave period. However, if the employer chose to postpone the reservist’s return date, the employer would be required to make the benefit plan contributions and the employee could participate in such plans for the postponement period.

The Lieutenant Governor in Council would be able to make regulations under the Act to vary the reservist leave provisions. This would include regulations to prescribe: additional circumstances in which leave may be taken, length of service requirements, length of leave period, evidence of entitlement and notice periods, and continuation of benefit coverage contributions.

The reservist leave provisions would come into force on the day the Bill receives Royal Assent, and would provide job protected leave to reservists who give notice and deploy on or after that day.

Schedule B: Amendments to the Health Insurance Act

Background

Members of the Canadian Forces are insured for health care services by the federal government and those services are not covered by the Ontario Health Insurance Plan (OHIP). Health care for spouses and dependants of Canadian Forces members (military families) is not covered by the federal government and they must utilize provincial health insurance plans in the same manner as non-military families.

The *Health Insurance Act* and its regulations outline who is eligible for OHIP coverage. Unless specifically exempt, most new or returning residents are subject to a 90-day waiting period before their OHIP coverage begins. This waiting period currently applies to military families taking residence in Ontario. If exempt from the waiting period, residents who apply for OHIP have immediate OHIP coverage for insured services and other services for which OHIP coverage is a requirement.

Proposed Amendments

Section 1 adds a new clause that would exempt military families from any waiting period for OHIP coverage under the *Health Insurance Act* or its Regulations. Upon taking residence in Ontario and applying for OHIP in accordance with the *Health Insurance Act* and Regulations, military families would be entitled to become insured persons immediately.

Currently, there is regulation-making power to make regulations to define “resident”. Section 2 would add to that power to permit regulations that define “dependant”, “spouse”, and “member of the Canadian Forces”.

Section 3 provides that Schedule B will come into force on a date determined by the Lieutenant Governor in Council.