



Job-Protected Leave for Ontario Organ Donors

by Goli Garakani

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Bill 154, *An Act to amend the Employment Standards Act, 2000 in respect of Organ Donor Leave*, received Royal Assent on June 5, 2009. The legislation provides employees who undergo surgery in order to donate organs to other persons with up to 13 weeks of unpaid leave from their employment. Donors will have to provide at least 2 weeks' advance written notice before starting the leave, or if such notice is not possible in the circumstances, provide notice as soon as possible. Currently, the job-protected leave applies to persons who are donating all or part of the following organs: kidney, liver, lung, pancreas and small bowel. Donors will have to be employed by the same employer for at least 13 weeks in order to be entitled to the leave.

Donors are also required to provide a medical certificate in support of their entitlement to the leave if requested by the employer. If the employee is still not able to perform his or her duties after the initial 13 weeks of unpaid leave, the employee will be entitled to extend the leave for an additional period of up to 13 weeks, upon providing a medical certificate. Employers providing certain types of benefit plans will have to continue to make their benefit plan contributions during the leave, if the employee continues to contribute. Furthermore, a donor's seniority and length of service credits will continue to accumulate during the leave. ■