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From: CLRInfo
Sent: May 12, 2021 5:33 PM
To: Ken McCormack
Cc: Maria Sushkova; Paul Strangway
Subject: Important Changes to the Employment Standards Act: Paid Sick Leave

Importance: High

[CLR Members,](#)

As you are no doubt all aware from media coverage yesterday the BC Government tabled legislation to provide for paid sick leave in BC. This legislation creates two different forms of sick leave.

1. A temporary requirement for three days of paid sick leave for COVID related absences (which includes employees with symptoms, waiting for test results or self-isolating). This benefit will be in effect until December 31, 2021.
2. A new permanent sick leave plan to be effective commencing January 1, 2022. The legislation states that the sick leave will be “paid for the number of days prescribed” and it appears that the specific number of days required will be established through the Employment Standards Regulation which will not require further action of the legislature. According to the government press release, “[t]he number of paid sick days and other supports will be determined following consultations with the business community, labour organizations, Indigenous partners and other stakeholders.”

Both of these changes to the Employment Standards Act apply to all employers in BC unless they have an existing sick leave plan in place that meets or exceeds the requirements of the Employment Standards Act. We will have more details on the permanent sick leave requirement once they are available.

The COVID related absences sick plan requires employers to provide three days of sick leave for employees who have symptoms, are waiting for a test result or are self-isolating. Employers who do not offer a sick leave plan other than this COVID related requirement will be entitled to claim \$200 per day as a payment through WorkSafeBC to partially offset the cost of this sick leave program and once details of that process are announced we will provide them to you. The part we do know for now is that the payment will be based on an “average day” for the employee. The pay for an average day is calculated using this formula:

Average Day = Amount Paid ÷ Days Worked

where

Amount Paid is the amount paid or payable to the employee for work that is done during and wages that are earned within the 30 calendar day period preceding the leave, including vacation pay that is paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime, and

Days Worked is the number of days the employee worked or earned wages within that 30 calendar day period.

Based on this an employee who typically works eight (or more) hours per day will typically be entitled to 8 hours of pay for each day of sick leave.

Please note this three day sick leave requirement is in addition to the three hours of paid leave for an employee who needs to take time away from work to receive a COVID vaccine which was implemented by the Province in late April retroactive to April 19, 2021.

Since the federal government announced last year that they were investigating paid sick leave for workers across the country, the CLR along with other association partners has been advocating with government for a program that doesn't place the burden of what is a global health issue on the backs of employers for workers in BC. We are not suggesting that workers without sick leave through their employer should not be given consideration, simply that it should not be imposed on employers.

We continue to advocate for this despite the announcements this week. We will continue to monitor the situation, advocate on your behalf, and will update you as more information is available.

Attached below please find the corresponding communication from the Council of Construction Associations (COCA).

Stay safe.

Ken McCormack | President & CEO

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[COVID-19 Paid Sick Leave](#)

May 11, 2021 02:59 pm | cocabc

Province of BC Website Workers can take 3 days of paid sick leave if they need to stay home because of COVID-19. The program is in place until December 31, 2021. I'm an employer You are required to offer employees 3

days of paid sick leave if they need to stay home as a result of circumstances related to COVID-19....

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[B.C. to give workers 3 paid days off for absences related to COVID-19](#)

May 11, 2021 02:56 pm | cocabc

New program includes part- and full-time workers, offers reimbursement for employers CBC News | Posted: May 11, 2021 B.C. is going to start giving all workers in the province up to three days of paid sick leave if they have to miss work due to COVID-19, the province has announced. The new program includes part- and...

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