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From: Joleen Kaminski
Sent: November 25, 2021 12:38 PM
To: Ken McCormack
Cc: Paul Strangway; Tiffany Chung; Chris Mydske; Joleen Kaminski
Subject: BC Employment Standards Act Sick Leave

Importance: High

Good Afternoon Members

As you are all aware the BC Government has been reviewing changes to sick leave entitlements since the Spring and made an announcement on this subject yesterday. The initial indication from government was in the text of Bill 13 that passed third reading on May 19. The new sick leave program will take effect starting on January 1, 2022.

This new sick leave benefit has been included in Section 49.1 of the Employment Standards Act (the "Act"). Therefore, the provision applies to employees, other than those professions excluded from the Act, regardless of whether they are under a collective agreement or not. The parties to a collective agreement can opt out of Section 49.1 if they have a sick leave benefit that meets or exceeds the one required by the Act. If we were to negotiate a sick leave plan with the Unions based on unpaid leave and a percentage in lieu paid on each cheque like we do with Vacation and Stat Holiday Pay, 5 days of paid leave is equivalent to 2%.

Temporary project employees would likely not qualify for sick leave because the language in the Bill is clear – "[a]fter 90 consecutive days of employment with an employer...". Based on the consecutive days requirement a short term employee never becomes eligible even if they work multiple short stints for a single employer in a year.

While we are continuing to review all of the available information we believe that accepting the terms of the Employment Standards Act as written is a preferable option to negotiating a different program. That said, we do recognize that a small number of employees could work more than 90 days with more than one employer in a calendar year and thus claim more than 5 paid sick days for the year, but the likelihood and cost of that would be less than the cost of a payment in lieu.

If you have any questions about this please contact your CLR representative.

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