

## Joleen Kaminski

---

**From:** CLRInfo  
**Sent:** May 25, 2021 5:31 PM  
**To:** Ken McCormack  
**Cc:** Maria Sushkova; Paul Strangway  
**Subject:** \*UPDATE\* Important Changes to the Employment Standards Act: Paid Sick Leave

**Importance:** High

### [CLR Members,](#)

Further to the e-mail we sent out on May 12 regarding 3 days of sick leave for COVID related absences (see below) please note that the amendments to the Employment Standards Act received Royal Assent on May 20, 2021. The sick pay requirements became effective at the time of Royal Assent; therefore, as of May 20 the COVID related sick leave provisions are in effect.

*Wed 2021-05-12 5:58 PM*

*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.

Stay safe.

Ken McCormack | President & CEO

#



CONSTRUCTION LABOUR RELATIONS ASSOCIATION OF BC

#

97 Sixth Street,  
New Westminster, BC V3L 5H8

**O** 604-524-4911

**F** 604-524-3925 **C** 604-968-4911

**E** [kenm@clra-bc.com](mailto:kenm@clra-bc.com) **W** [www.clra-bc.com](http://www.clra-bc.com)

**CONFIDENTIALITY DISCLAIMER:** *The information contained in this transmission may contain privileged and confidential information. It is intended for review only by the person(s) named above. Dissemination, distribution or duplication of this communication is strictly prohibited by all recipients unless expressly authorized otherwise. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.*