

# LEGISLATIVE BRIEFING

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## PAID SICK LEAVE – B.C. EMPLOYMENT STANDARDS ACT

On November 24, 2021, the B.C. Government [announced](#) that effective January 1, 2022, the *Employment Standards Act* (ESA) will allow for permanent paid sick leave of a minimum of five paid sick days each year for all workers covered by the ESA, including part-time workers. The ESA does not cover federally regulated sectors, self-employed workers, and employees in professions and occupations explicitly excluded from the ESA.

### Background

On May 20, 2021, the B.C. Government received Royal Assent for [Bill 13-2021, Employment Standards Amendment Act \(No.2\), 2021](#) (Bill 13). Two key aspects of Bill 13 was that (1) it provided for short-term paid leave related to COVID-19 (i.e. up to three days) effective May 20, 2021 until December 31, 2021, and (2) the development of “made-in-B.C. permanent sick leave” for workers covered under the ESA who cannot work due to any illness or injury.

In August 2021, the B.C. Government started its public engagement process with employers and workers on permanent paid sick leave. Timelines and documents / resources were made available to the public on the Paid Sick Leave engagement [webpage](#).

### Bill 13 - Employment Standards Amendment Act

The permanent paid sick leave requirements are being set by the government as regulations under Bill 13. In relation to permanent paid sick leave, Bill 13 provides the following:

- Section 49.1 Illness or injury leave in the ESA creates a general entitlement to paid sick leave after 90 consecutive days of employment to be used for personal illness or injury.
- The new paid sick leave provision is in addition to the three days of unpaid leave already provided for under section 49.1.
- Section 49.1 is added as an area under Section 3 of the ESA in which a collective agreement must meet or exceed the ESA requirements.



## QUESTIONS?

If you have any comments or questions about this update, please e-mail [RES360@metrovancover.org](mailto:RES360@metrovancover.org) or call 604-451-6558.

## SOURCES

*"Bill 13 – 2021: Employment Standards Amendment Act (No. 2), 2021. Third Reading May 19, 2021.*

[https://www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Fdata%2F520-%2F252oldp%2Fpages%2F42nd2nd%2F3rd\\_read%2Fgov13-3.htm](https://www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Fdata%2F520-%2F252oldp%2Fpages%2F42nd2nd%2F3rd_read%2Fgov13-3.htm)

*"Five paid sick days coming Jan. 1" November 24, 2021*

<https://news.gov.bc.ca/releases/2021PREM0073-002235>

*"Paid Sick Leave" engagement webpage*

<https://engage.gov.bc.ca/paidsickleave/>