

LEGISLATIVE BRIEFING

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BC EMPLOYMENT STANDARDS ACT AMENDMENT (PAID SICK LEAVE) RECEIVES ROYAL ASSENT

Further to the *Legislative Briefing* published on November 24, 2021 related to [Paid Sick Leave – B.C. Employment Standards Act](#), on March 28, 2022 the BC Government introduced legislation to amend the *Employment Standards Act* (ESA) as it relates to the five days of employer-paid sick leave that came into effect on January 1, 2022. [Bill 19 – 2022 Employment Standards Amendment Act, 2022](#) received Royal Assent on March 31, 2022.

Background

Effective January 1, 2022, the ESA allowed 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.

Section 49.1 Illness or injury leave of the ESA was amended to create a general entitlement to paid sick leave after 90 consecutive days of employment to be used for an employee's personal illness or injury. Section 49.1 was also added under Section 3 of the ESA in which a collective agreement must meet or exceed the ESA requirements.

Amendments Receiving Royal Assent

The ESA paid sick leave has been amended as follows:

- Section 3: Delete the reference to Section 49.1 from the 'meet or exceed' requirement, and make the leave under Section 49.1 a minimum requirement that applies even if a collective agreement contains provisions that meet or exceed those requirements.
- Section 3(6): Delete the reference to Section 49.1 as an exception under Section 3(6), whereby unionized employees must now use the grievance/arbitration process under their collective agreements for any ESA paid sick leave dispute as opposed to submitting a complaint to the Employment Standards Branch.
- Section 49.1 (1): Replace "employment year" with "calendar year" for establishing an employee's annual paid sick leave entitlement. This change standardizes the annual entitlement period for all employees regardless of the start of their employment.

Additional information can be found in the [BC Government news release](#).



QUESTIONS?

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

SOURCES

“Bill 19 – 2022 Employment Standards Amendment Act, 2022”, March 31, 2022

[Bill 19 – 2022 Employment Standards Amendment Act, 2022 \(leg.bc.ca\)](https://leg.bc.ca)

BC Gov News – “Province simplifying, strengthening paid sick leave”, March 28, 2022

[Province simplifying, strengthening paid sick leave | BC Gov News](#)