

BC Announces Five Paid Sick Days November 30th, 2021

RELEASE DATE NOVEMBER 30, 2021

Last Wednesday, November 24, 2021, the Government of British Columbia announced that as of January 1, 2022, the BC Employment Standards Act will provide employees with 5 paid sick days, making B.C. the first province to introduce 5 days of permanent paid sick leave. As of the new year, businesses will be legally required to provide these days to their employees. This paid leave will support workers in taking time away from work when they are unwell, without losing pay. As noted, this leave will come into effect as of Wednesday, January 1, 2022.

AS OF NOVEMBER 30, 2021:

*This bulletin is current to the morning of **November 30, 2021**. Please note that while we continue to monitor the situation, the circumstances remain fluid as legislative and government rules and policies are ever changing. The responses of federal and provincial governments will continue to evolve and may impact the accuracy of the information in this bulletin. Furthermore, the information contained herein is subject to revision with the introduction of new or additional government guidelines.*

New Employment Standards Minimum

Effective January 1, 2022, the vast majority of workers in B.C. will be entitled to 5 paid sick days each year. The paid sick leave applies to all employees covered by the Employment Standards Act (ESA), including part-time, temporary, or casual employees who have worked with their employer for at least 90 days.

This benefit is not available to employees that are not covered by the BC ESA, including:

- Federally regulated sectors
- Self-employed workers or independent contractors
- Employees in professions and occupations excluded from the ESA

BC employers may request reasonably sufficient proof of illness from employees who wish to take this leave. Employers are to pay employees their regular wage for the paid sick days taken.

BC Government's Rationale

The BC Government has noted that this new benefit has been put in place to ensure that employees are able to stay home if they are unwell.

“Beginning in the new year, workers will no longer lose pay for making the responsible choice of taking a sick day,” said Premier John Horgan during the announcement. “The pandemic has highlighted that when workers don’t have paid sick leave, it’s bad for them, it’s bad for their co-workers and it’s bad for their employers.”

The Government cited that during a two-month period at the height of the COVID-19 pandemic, workplace outbreaks led to nearly 200 businesses being shut down in the Fraser Health region alone. Workplaces with pre-existing paid sick leave policies saw less workplace transmission.

“We have learned in this pandemic how important it is for workers to be able to stay home if they are sick. Paid sick leave is one more way we can support workers and help prevent the transmission of disease,” said Dr. Bonnie Henry, provincial health officer. “It gives people the means to stay away from work if they’re sick and reduces the risk to their co-workers or others they come in contact with through their jobs.”

[How does this leave affect other sick leave entitlements?](#)

The new ESA entitlement of 5 paid sick days will be in addition to the 3 days of **unpaid** sick leave currently provided by the Employment Standards Act, which provides up to 3 days of unpaid, job-protected leave each year to workers that can’t work due to personal illness or injury. Please visit the [Government of B.C.’s Illness or Injury Leave](#) resource for further information regarding the 3 days of unpaid leave.

Though it has been noted that the new paid leave benefit is being implemented in response to issues that the pandemic has highlighted, the new leave is not COVID-19 specific. In May, the province gave all workers up to 3 days of paid sick leave to support those affected by COVID-19. This COVID-19 specific leave is set to expire as of December 31, 2021.

For further information regarding British Columbia’s new minimum standard of 5 paid sick days, please visit [BC Employment Standards Paid Sick Leave](#).

*Please note that this information bulletin is current to **November 30, 2021**. As this situation is evolving, we urge you to remain informed to the greatest extent you can. To understand how the information contained in this bulletin might apply in the context of your particular business or operation, please do not hesitate to contact us.*

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