



## Frequently Asked Questions (FAQ) on COVID-19 Paid Sick Leave in British Columbia

May 25, 2021

***Due to the rapidly changing circumstances surrounding COVID-19 and its impact on workers, program support criteria are subject to change. Be sure to visit [www.unifor.org/covid19](http://www.unifor.org/covid19) to download updated versions of this fact sheet.***

**Note:** On February 19, 2021, the federal government announced proposed legislative and regulatory changes that would increase the number of weeks of benefits available for the Canada Recovery Benefit (CRB), the Canada Recovery Sickness Benefit (CRSB), and Employment Insurance (EI) regular benefits:

<https://www.canada.ca/en/employment-social-development/news/2021/02/crb-extension.html>

On May 11, the B.C. government announced that it would introduce [three days of paid sick leave](#) for workers who need to stay home because of COVID-19. Effective May 20, workers who are covered by the provincial [Employment Standards Act](#) will be able to take up to three days of sick leave at their full wages if they are:

- diagnosed with COVID-19;
- waiting for COVID-19 test results;
- self-isolating or self-monitoring for COVID-19 symptoms;
- following a public health order; or
- directed to stay home by their employer because of exposure risks

This temporary program will be in place from May 20 until December 31, 2021.

Please note that the new temporary paid sick leave measures only apply to workers covered by B.C.'s Employment Standards Act and does not cover federally regulated workers in sectors such as telecommunications, rail, and airlines, etc. who have access to three days of paid sick leave under the Canada Labour Code.

This FAQ document aims to provide Unifor members with the most up to date answers we have on frequently asked questions about B.C.'s temporary paid sick leave measures.

**If I already have paid sick leave as part of my current collective agreement, will I get an additional three days of paid sick leave?**

This will depend on the entitlements offered by your current collective agreement. If you have sick pay entitlements that are equal to or better than the temporary program, you will not be able to access an additional three days of paid sick leave.

However, if your collective agreement has no paid sick leave provisions or does not entitle you to at least three days of paid sick leave, the requirements of the paid sick leave program are considered to be effectively incorporated into your collective agreement. This means you will be able to access up to three days of paid sick leave.

**Do I have to take the three days of paid sick leave all at the same time?**

No, the three days of paid sick leave do not have to be taken consecutively.

**What if I have to take more than three days of sick leave? Can I continue to take sick leave for as long as I am ill or for other reasons related to COVID-19?**

Yes, workers are currently entitled to take unpaid, job-protected leave related to COVID-19, which allows workers to take [unpaid sick leave for reasons related to COVID-19](#) without fear of reprisal or dismissal by their employers.

Reasons including the following:

- You are assisting a dependant being vaccinated against COVID-19
- You have been diagnosed with COVID-19 and are following the instructions of a medical health officer or the advice of a doctor or nurse
- You are in isolation or quarantine and are acting in accordance with an [order of the provincial health officer](#), an order made under the Quarantine Act (Canada), guidelines from the BC Centre for Disease Control or guidelines from the Public Health Agency of Canada
- Your employer has directed you not to work due to concern about your exposure to others
- You need to provide care to an eligible person for a reason related to COVID-19, including a school, daycare or similar facility closure
- You are outside of BC and unable to return to work due to [travel or border restrictions](#)
- You are more susceptible to COVID-19 in the opinion of a medical professional because of an underlying health condition, ongoing treatment or other illness and are receiving Canada recovery sickness benefits for the leave

**If I take unpaid sick leave after my three days of paid sick leave, can I apply for compensation through the Canada Recovery Sickness Benefit (CRSB)?**

Only if the unpaid sick days fall within a one-week period during which you received no paid sick days. Unfortunately, the current CRSB rules do not allow you to apply for the CRSB for days that fall within a week when you received paid leave from your employer.

For example, if you were ill all week and took paid sick leave from Monday to Wednesday, you would not be eligible to be compensated through the CRSB for any unpaid leave taken on Thursday and Friday. Any days of unpaid sick leave taken the following week would be eligible for the CRSB.

**Will I need a sick note to prove to my employer that I was absent for reasons related to COVID-19?**

No, employers cannot ask you for a sick note or medical certificate from a nurse or doctor to prove that you had to take a COVID-19 sick day (whether paid or unpaid). However, they may ask for evidence that is reasonably sufficient (e.g. COVID-19 test result, public health order, vaccination receipt, etc.).

**Can I use my paid sick days for the purposes of getting vaccinated?**

The B.C. government introduced a separate program to allow workers to take up to three hours of paid leave to get vaccinated against COVID-19, retroactive to April 19, 2021. These hours of paid leave can be used for both the first and second doses of the vaccine.

**I earn part of my pay from tips and/or commissions. Will the paid sick leave measures cover what I usually earn from these sources?**

Yes, employers must pay your average daily wage for each of your paid sick days, which is calculated by taking the total amount you were paid during past 30 calendar days – including salary, commission, statutory holiday pay and paid vacation days, but excluding overtime – and dividing it by the number of days you worked during that same period.

I read somewhere that employers will only be reimbursed for up to \$200 per day of paid sick leave taken by an employee. Does that mean \$200 is the maximum amount I will be paid per day under the program?

No, employers must pay you your full wages as calculated above.

**I work as a freelancer and/or independent contractor. Am I covered by this new program?**

No, the COVID-19 paid sick leave program only applies to workers who are defined as "employees" under B.C.'s Employment Standards Act (ESA), which does not include independent contractors or freelancers. However, as a freelancer or independent contractor, you are eligible to apply for the Canada Recovery Sickness Benefit (CRSB).

**Who can I contact for more information?** Call ServiceBC at 1-800-663-7867.