

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

BULLETIN

TO: Clients
FROM: Debra Rusnak and Marisa Cruickshank
DATE: May 3, 2022
RE: Amendments to Sick Leave Provisions
FILE: 99999-021

Update - Amendments to Sick Leave Provisions of the ESA that Impact Unionized Employers

In our Winter 2022 Newsletter article “Sick Leave - Does Your Collective Agreement “Meet or Exceed” *ESA* Minimums?” we wrote about the introduction of paid sick days to the *Employment Standards Act (ESA)*. In that article we outlined how unionized employers needed to assess whether existing sick leave provisions in their collective agreements, as a whole, “meet or exceed” the minimum standard set by the *ESA*.

On March 31, 2022, the B.C legislature further amended the sick leave provisions in the *ESA*. The amendments specifically impact unionized employers as they removed the “meet or exceed” analysis for determining whether the sick leave provisions in the *ESA* applied to unionized employees. The effect on unionized employers is that the minimum standard set by s. 49.1 of the *ESA* now apply to all employees regardless of existing sick leave provisions in collective agreements. Unionized employers must now consider whether existing sick leave policies within their collective agreements meet the minimum requirement set out in s. 49.1 of the *ESA*.

If you have questions about how this recent legislative change impacts your workplace, please reach out to Lidstone and we can assist you in understanding your obligations and provide advice on preventing and responding to union grievances.

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