

Conifer

Circular

CR No. 02/21

RE: COVID-19 VACCINATION LEAVE
APRIL 28, 2021

(VIA E-MAIL)

TO: All Member Companies,

The BC Government has passed BILL 3 – 2021 EMPLOYMENT STANDARDS AMENDMENT ACT, 2021 and is now law retroactive to April 19, 2021. This provision added to the ESA requires employers to allow employees, where requested, to have up to 3 hours for each request to be vaccinated against COVID-19.

The provisions require a prescriptive and overly complicated method to determine the rate of pay for this leave and CONIFER reminds member companies that this is the requirement under 52.13(3). However, we also believe that based on our job posting and pay systems, companies are meeting the intent of the law and will reduce administrative issues, by administering the pay for the leave on the basis of the hourly rate of the job the employee was doing just prior to the time of the leave or if the employee had multiple jobs that day, the employee's posted rate of pay.

Please note, employers are entitled to ask for reasonably sufficient proof from employees who are entitled to leave (for example, confirmation of the appointment date and time), but employers are not permitted to ask for a note from a medical practitioner to justify the leave under this new section.

Further information can also be found at <https://news.gov.bc.ca/releases/2021LBR0019-000784>

A copy of Bill 3 -2021 is attached. Should you have any questions please contact our office at 250-564-5166



Cam Meroniuk
Manager, Employment Relations

CM
April 28, 2021