

Federal Bill C-3 Gives Employees 10 Days' Paid Sick Leave



COVID-19 temporary paid sick leave is morphing into something permanent

Federally regulated employees are enjoying a merry Christmas. In addition to the [federal \\$15.00 minimum wage that](#) just took effect, the government passed new legislation that provides them up to 10 paid days of sick leave per year. Here's a quick briefing on Bill C-3 and its impact on employers.

The Emergence of Mandatory Paid Sick Leave

Before COVID-19, the idea of requiring employers to give employees [paid sick leave](#) was mostly more about politics than law. While a handful of provinces provided for some form of paid emergency leave in their employment standards laws, only one, Prince Edward Island, made paid sick days an actual entitlement, and only on a very limited basis. But in response to the pandemic, a number of jurisdictions created new paid sick day leave for COVID-19 related absences. But this was largely seen as a temporary measure, subsidized by the government, and limited to COVID-19 (or, in some provinces, any infectious disease public health emergency).

Once the toothpaste was out of the tube, putting it back in proved problematic, at least in some parts of the country. Last May, BC became the first to transform temporary COVID-19 paid sick leave into permanent paid sick leave. Effective January 1, 2022, employees in BC will get up to 5 paid days per year; and unlike the COVID-19 leave, this one isn't being subsidized by the government.

Federal Bill C-3

Newly passed federal Bill C-3 ups the ante by providing federally regulated employees up to 10 paid sick days per calendar year.

Old Law: The legislation repeals the *Canada Labour Code* (CLC) provision (Section 206.6) providing 5 days' Personal Leave (3 paid, 2 unpaid), for:

- Treating their own illness or injury;
- Carrying out care responsibilities for family members;
- Carrying out responsibilities related to the education of family members under age 18;
- Dealing with urgent matter concerning themselves or family members; and

- Attending their citizenship ceremony.

New Law: Bill C-3 creates a new CLC provision (Section 239) giving employees the right to accrue one paid day of medical leave per month of continuous employment completed with the employer, up to a maximum of 10 calendar days per year. Unused days carry forward to the next calendar year and count toward the 10-day maximum for the new year. The legislation also gives employers some control over paid medical leave by allowing them to require that:

- Paid medical leave be taken in increments of at least 1 day;
- Employees who've taken paid leave provide a note from a health practitioner, as long as employers request the note, in writing, within 15 days after the employee returns; and
- Employees who've taken paid leave of 3 days or longer provide a note from a health practitioner (**note:** this demand isn't limited to the 15-day window).

Takeaway

Ten days of paid medical leave is more generous than anything currently on the books anywhere in Canada. But because it also eliminates the 3 paid days of Personal Emergency leave, C-3 is actually adding only 7 days to employees' current paid sick days entitlement.