

# Lack of Paid Sick Leave Creates Workplace Health Challenges During and After the Pandemic



"Stay home when you're sick" is a tough pill to swallow for employees without paid sick leave.

"Stay home when you're sick." How many times have employers said that to their employees. In times of COVID, such words amount to an order rather than a request. But it's not as simple as that. While the employment standards laws of most jurisdictions provide for sick leave, it's almost always unpaid. While employers can go beyond the employment standards minimums and provide for paid sick days voluntarily, not all do. Canada's current Liberal government has talked about providing employees up to 10 paid sick days per year. But that's far from a done deal. Meanwhile, here are the current employment standards sick leave entitlements in each part of the country.

## Employment Standards Sick Leave Benefits Across Canada

### FEDERAL

**Entitlement:** Employees with at least 3 months' service get up to 17 weeks' unpaid medical leave of absence for personal illness or injury, organ or tissue donation or medical appointments during work hours + 16 weeks for quarantine; **Notice:** Employee must provide at least 4 weeks' notice unless there's a valid reason he can't, in which case notice must be provided as soon as possible; employer can require certificate from health care practitioner for leaves of longer than 3 days (requirement suspended through Sept. 25, 2021 due to COVID-19); **Accrual:** Leave time unpaid but counts toward pension, health and disability benefits; **Other:** If employee requests it, employer must notify employee in writing of all employment, training and promotion opportunities for which she's qualified that arise during leave (*Canada Labour Code*, Sec. 219)

### ALBERTA

Long term unpaid leave for illness or injury but no sick leave

## BRITISH COLUMBIA

**Entitlement:** Employees with at least 90 days of consecutive service get up to 3 days unpaid leave for personal injury or illness; weeks' medical leave of absence for personal illness or injury, organ or tissue donation or medical appointments during work hours + 16 weeks for quarantine; **Notice:** If employer requests, employee must provide "reasonably sufficient proof" "as soon as practicable"; **Accrual:** Leave time counts toward vacation, pension and how much termination notice employee gets (*Employment Standards Act*, Secs. 49.1 and 56)

## MANITOBA

Long term unpaid leave for serious illness or injury but no sick leave

## NEW BRUNSWICK

**Entitlement:** Employees with at least 90 days' service get up to 5 days' unpaid sick leave; **Notice:** Employee must provide notice of dates and duration; employer can require certificate from medical practitioner for leaves of 4 days or longer; **Accrual:** Leave time unpaid but counts toward seniority (*Employment Standards Act*, Secs. 44.021 and 44.04)

## NEWFOUNDLAND

**Entitlement:** Employees with at least 30 days' service get up to 7 days' unpaid sick or family responsibility leave; **Notice:** Employee must provide notice of dates and duration; employer can require certificate from medical practitioner for leaves of 3 or more consecutive days; **Other:** Unused sick leave or family responsibility doesn't carry over to next year (*Labour Standards Act*, Sec. 43.11)

## NOVA SCOTIA

**Entitlement:** Employees get up to 3 days' unpaid sick leave: (a) due to sickness of a child parent or family member; or (b) for medical, dental or other similar appointments during working hours; **Notice:** Employee must provide notice of dates and duration; employer can require certificate from medical practitioner for leaves of 3 or more consecutive days; **Accrual:** Leave time unpaid but counts toward seniority and benefits (*Labour Standards Code*, Secs. 60G and 58B)

## ONTARIO

**Entitlement:** Employees with at least 2 consecutive weeks' service get up to 3 days' unpaid leave for personal illness, injury or medical emergency; **Notice:** Employee must provide notice in advance or, if that's not possible, as soon as possible after leave starts; employer may require employee to provide "evidence reasonable in the circumstances"; **Accrual:** Leave time unpaid but counts toward active employment or service and seniority, but NOT to time employees must complete to finish their probationary period (*Employment Standards Act*, Secs. 50 and 52)

## PRINCE EDWARD ISLAND

**Entitlement:** Employees with at least 3 months' continuous service get up to 3

days' unpaid sick leave; Employees with at least 5 years' continuous service get up to 3 days' unpaid **and** one day paid sick leave at employee's regular pay rate; **Notice:** Employee must notify employer of expected duration of leave; employer can require certificate from medical practitioner for leaves of 3 consecutive calendar days; **Accrual:** Leave time unpaid but counts toward seniority (*Employment Standards Act*, Secs. 22.2 and 23.3)

## QUÉBEC

Long term unpaid leave for serious illness or injury and organ donation but no sick leave

## SASKATCHEWAN

**Entitlement:** Employer can't take discriminatory action against employee with over 13 consecutive weeks' service for absences not exceeding 12 days per calendar year due to non-serious illness or injury—unless employer can demonstrate employee has record of chronic absenteeism: protection is 12 weeks in 52-week period for serious injuries or illnesses and chronic absence exception doesn't apply; **Notice:** Employer can make written request for certificate from medical practitioner that employee was incapable of working (*Sask Employment Act*, Sec. 2-40); **Other:** OHS Regulations provide up to 3 hours of paid leave to get COVID-19 vaccine unless employer determines that the paid leave should be longer due to the circumstances.

## NORTHWEST TERRITORIES

**Entitlement:** Employees with at least 30 days' employment get up to 5 days' unpaid sick leave; **Notice:** Employee must "at earliest reasonable opportunity" submit a request to employer for sick leave listing expected duration of leave; employer can request certificate from medical practitioner for leaves of over 3 consecutive days (*Employment Standards Act*, Sec. 29)

## NUNAVUT

No sick leave

## YUKON

**Entitlement:** Employees get annual unpaid sick leave of up to 1 day per month they've been employed – the number of days they've been absent due to illness or injury during the year, up to a total 12-day maximum; **Notice:** Employer can request certificate from qualified nurse or medical practitioner (*Employment Standards Act*, Sec. 59)