

BC Creates Vaccination Leave And Expands COVID-19 Leave



The *Employment Standards Regulation*, BC Reg 396/95, has been amended to create an unpaid leave for employees who require leave to be vaccinated against COVID-19 or to assist a dependant who is being vaccinated against COVID-19.

The length of the leave is not specified. The legislation simply states, "An employee is entitled to leave under this section for as long as a circumstance described in subsection (2) applies to the employee." In this case, the circumstance described is leave to be vaccinated or to assist a dependant who is being vaccinated. Presumably, this means that the leave must be long enough for an employee to get vaccinated or to assist a dependent who is getting vaccinated.

Saskatchewan is the only other jurisdiction in Canada that has implemented a leave to allow an employee to take time off work to be vaccinated for COVID-19. In Saskatchewan, workers:

- are entitled to three consecutive hours' leave during work hours to receive a COVID-19 vaccination;
- are entitled to more than three consecutive hours if the employer determines the circumstances warrant a longer break from work; and
- do not lose any pay or other benefits while receiving a COVID-19 vaccination.

We will keep you informed about any other Canadian jurisdictions that implement vaccination leave in the future.

BC has also expanded its unpaid, job-protected leave related to COVID-19 to include employees who, in the opinion of a medical health officer, doctor or nurse, are more susceptible to COVID-19 because they (i) have an underlying condition, (ii) are undergoing treatment, or (iii) have contracted another illness and the employee receives, or will receive, the Canada recovery sickness benefit under the *Canada Recovery Benefits Act*.

This expansion is in addition to the other existing entitlements to take this leave, specifically, those employees who are unable to work because they:

- have been diagnosed with COVID-19 and are following the instructions of a

medical health officer, doctor, or nurse;

- are in quarantine or self-isolation and are acting in accordance with an order of a provincial or federal authority;
- have been directed by their employer not to work due to concern about their exposure to others;
- need to provide care to their minor child or a dependent adult who is their child or a former foster child for a reason related to COVID-19, including facility closures; or
- are outside of British Columbia and unable to return to work due to travel or border restrictions.

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