

BC introduces paid COVID-19 vaccination leave

April 28, 2021

Employers in British Columbia must now provide employees with paid time off during working time to allow workers to get vaccinated for COVID-19 without loss of pay.

New section 52.13 of the British Columbia Employment Standards Act received royal assent on April 27, 2021 and provides that every employee (whether full-time, part-time and regardless of length of service), is entitled to paid leave for up to three hours for each request for leave in order to be vaccinated against COVID-19.

An employer must pay an employee who takes "vaccination leave" an amount in money equal to at least the amount calculated by multiplying the number of hours of the leave and the average hourly wage, where the average hourly wage is determined by the formula $\text{amount paid} \div \text{hours worked}$ (where "amount paid" and "hours worked" are both further defined in the new legislation available here).

An employer can request "reasonably sufficient proof" that the employee is entitled to the paid leave which may be in the form of proof of a vaccine appointment or proof of the actual vaccination but the employer cannot request that the employee provide a note from a medical practitioner, nurse practitioner or registered nurse for the purposes of a request for leave. Presumably, because the leave is available for "each request for leave," an employer may also be able to request proof that the individual received a two-dose vaccine, to the extent the one-dose Janssen COVID-19 vaccine approved by Health Canada becomes used widely in the province in the coming weeks.

The new requirement is the first paid leave under the BC Employment Standards Act and is retroactive to April 19, 2021. Following similar paid leaves enacted in each of Saskatchewan and Alberta, the BC leave is designed to support the timeline of BC's COVID-19 Immunization Plan, which aims to have the majority of working-aged people in the province receiving their first dose of a vaccine by the end of June or earlier.

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