

## Issue: Proposed changes to the Employment Standards Act

### Position

The Chamber recommends the following course of action on two issues currently under review through the B.C. Law Institute's (BCLI) Employment Standards Act Reform Project that are of particular concern to our members – specifically: changes to sick leave and statutory holiday pay.

#### **Sick Leave**

**The Tri-Cities Chamber of Commerce supports the BCLI project committee's recommendation 40c:**

*The ESA should not be amended to introduce sick leave, but if Tentative Recommendation 41 is implemented, the number of unpaid leave days per year should be 7.*

**The Tri-Cities Chamber of Commerce also wants to express its staunch opposition to the BCLI project committee's recommendation 40b:**

*The number of leave days per year in Tentative Recommendation 41 should be 10, and days of leave taken because of the employee's own illness or injury should be paid at the employee's regular wage.*

#### **Statutory Holiday Pay**

**The Tri-Cities Chamber of Commerce opposes the BCLI project committee's recommendation 28:**

*The ESA should be amended to provide that*  
*(a) in order to be eligible to receive statutory holiday pay, an employee must have worked or earned wages on*  
*(i) 16 of the 60 days preceding the statutory holiday, and*  
*(ii) the last day before the holiday and the first day after the holiday on which the employee was scheduled to work;*

### Background

**Sick Leave** – Currently in B.C. an employee is legally entitled to 5 days of unpaid leave for family emergency. There are no mandatory paid or unpaid sick leave days, though most employers accommodate employee illness in some way. The provincially appointed BCLI Employment Standards Act Reform Project proposed several options for reforming sick/family leave entitlements. Options include seven days per year of unpaid leave for employee illness and family responsibility, or at the more extreme end 10 paid days sick/ family leave per year. Instituting 10 days of paid leave for employees would not only go well beyond the standard across Canadian jurisdictions, but would represent a major cost for businesses at a time when businesses are already absorbing the costs of the minimum wage increase and new taxes such as the Employer Health Tax. Smaller businesses would be disproportionately affected.

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**Statutory Holiday Pay** – Currently in B.C. an employee must have been employed with their employer for at least 30 days prior and collected wages on 15/30 days prior to the statutory holiday to receive statutory holiday pay. The BCLI Employment Standards Act Reform Project is recommending a relaxation to the eligibility rule for statutory holiday pay to 16 of the 60 days prior to the statutory holiday. The Chamber understands that this recommendation is intended to better reflect the changing nature of employment, the emergence of non-traditional work schedules, and an increase in part-time work. However, we would also point out the committee’s own view that “British Columbia’s [current] qualifying requirements are not out of keeping with those in effect in the rest of Canada.” Statutory holidays are expensive for employers. We believe this recommendation relaxes the statutory holiday pay requirements to an unnecessary degree, as someone working an average of 1.25 days/week over the eligibility period could be entitled to statutory holiday pay. This is effectively half of the current eligibility requirement of having to work 15 days of the preceding 30.

### Who is affected?

Business owners, especially small business

Employees

### Outcome

Government decided not to make changes to sick leave and statutory holiday pay eligibility legislation. Successful advocacy on the part of the Tri-Cities Chamber and provincial Chamber network.

### Chamber Actions

**11/14/2018** – The Chamber hosts B.C. Minister of Labour, The Honourable Harry Bains MLA, and a dozen local businesses owners for a [roundtable discussion](#) on how potential changes to the Employment Standards Act and Labour Relations Code could affect businesses.

**12/21/2018** – The Chamber sends a letter to B.C. Minister of Labour Harry Bains outlining its views on the proposed changes to the Employment Standards Act and Labour Relations Code.

**03/19/2019** – The Chamber hosts B.C. Liberal leader and Leader of the Opposition Andrew Wilkinson, together with MLA for Coquitlam – Burke Mountain Joan Isaacs to [discuss issues facing business](#) in the Tri-Cities including changes to the Employment Standards Act.

**03/20/2019** – The Chamber releases a [template letter](#) that members can use to express their opposition to ESA changes. The letter is shared provincially and by the BC Chamber.

### More Information

For more information on the BCLI’s Employment Standards Act Reform Project, please click [here](#).

### Contact Info

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