



COVID-19 and the Workplace Update: Employment Standards Act Amendments Provide Job-Protected Leave for COVID-19 Related Absences from Work

Yesterday, the BC Government passed amendments to the Employment Standards Act aimed at providing job security to workers that are unable to work for reasons related to the COVID-19 crisis.

The Employment Standards Act was amended to provide unpaid job protected leave to the following categories of workers that are unable to work because of the COVID-19 crisis:

- Workers that have been diagnosed with COVID-19;
- Workers that are in quarantine or self-isolation and are acting in accordance with an [order of the provincial health officer](#), an order made under the Quarantine Act (Canada), guidelines from the BC Centre for Disease Control or guidelines from the Public Health Agency of Canada;
- Workers that have been advised by their employer not to work due to concern about their exposure to others;
- Workers that provide care to their minor child or a dependent adult who is their child or former foster child for a reason related to COVID-19, including a school, daycare or similar facility closure; and
- Workers that are outside of BC and unable to return to work due to [travel or border restrictions](#).

The amendments are retroactive to January 27, 2020, the date of the first presumptive COVID-19 case was confirmed in BC. This protection will remain in place for all workers during the COVID-19 public health crisis. Once these safety measures are no longer needed, these leave provisions will be removed from the Employment Standards Act.

The Employment Standards Act was also amended to provide workers with up to three days of unpaid, job-protected sick leave for people that cannot work due to illness or injury. This is a permanent change to the Employment Standards Act and brings BC in line with most other provinces that already have legislated sick leave.

It is important to note that these amendments do not protect workers that have lost their employment due to the financial downturn in the economy due to the COVID-19 crisis and does not permit employers to temporarily layoff their employees without having to

pay severance to their employees unless the employment relationship meets the very strict requirements of the existing temporary layoff provisions of the Employment Standards Act.

We expect the provincial and federal governments will be enacting additional changes in the coming days and we will continue to keep you updated.

In these quickly evolving times, it is more important than ever that both employers and employees obtain legal advice to understand their legal rights and obligations. We at BTM Lawyers LLP are here to help. Contact our employment lawyer Catherine Coakley at cec@btmlawyers.com or 604-917-0048.