



FIR Labour Relations Ltd

ADVISORY LETTER

BY E-MAIL

June 1, 2021

AL-02-21

TO: ALL FIR ACCREDITED MEMBERS

Gentlemen and Mesdames:

Re: Employment Standards Act/Paid Sick Leave for Covid-19

The BC Government has now approved amendments to the Employment Standards Act providing workers with up to three days of paid leave where employees are diagnosed with COVID-19 or are in quarantine or have been directed by the employer not to work because of the employer's concern about the employee's exposure to others.

This legislation is very complex and was presented by the BC NDP Government with little notice or consultation and with negligible guidance.

FIR has engaged legal counsel and, along with the two Interior employer associations (CONIFER and IFLRA) is attempting to get clarity from the government on the application of this legislation.

The main concerns for forest industry employers are: (a) the legal obligations for employers to comply given that our Weekly Indemnity Plans are sick leave programs with provisions, when considered together, meet or exceed the provisions in the new legislation, and (b) a Government Press Release implying that only those employers *without an existing sick leave program* would be eligible for reimbursement from the Province.

In addition, the Trustees of the USW-Coastal Forest Industry Health and Welfare Plan, in March, 2020, put in place a provision which waives the normal 5 day waiting period for Weekly Indemnity for approved COVID-19

claims. (see our AL-04-20), so first day coverage is already provided for those claims.

Based on all of the current uncertainties, FIR recommends that its member companies do NOT pay for requested COVID-19 leave until more clarity on application and reimbursement is obtained. (This approach is being adopted by the Interior employer associations, as well.) More clarity is expected after June 16th when the Worksafe BC website on this subject is due to open.

Call or email us if you have any questions.

T.J Getzie