

BILL 3 – 2021

EMPLOYMENT STANDARDS AMENDMENT ACT, 2021

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 The Employment Standards Act, R.S.B.C. 1996, c. 113, is amended by adding the following section:

Leave for COVID-19 vaccination

- 52.13** (1) An employee who requests leave under this section is entitled to paid leave for the period described in subsection (2) to be vaccinated against COVID-19.
- (2) An employee is entitled to leave under this section for up to 3 hours for each request for leave made under this section.
- (3) Subject to subsection (4), an employer must pay an employee who takes leave under this section 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 is the amount paid or payable to the employee for work that is done during and wages that are earned within the 30 calendar day period preceding the leave, including vacation pay that is paid or payable for any days of vacation taken within that period, less any amounts paid or payable for overtime, and

hours worked is the number of hours the employee worked or earned wages within that 30 calendar day period.

- (4) An employer must pay an employee in a prescribed circumstance who takes leave under this section an amount in money equal to at least the amount calculated in accordance with the regulations.
- (5) If requested by the employer, the employee must, as soon as practicable, provide to the employer reasonably sufficient proof that the employee is entitled to leave under this section.

- (6) An employer must not request, and an employee is not required to provide, a note from a medical practitioner, nurse practitioner or registered nurse for the purposes of a request for leave under this section.
- (7) This section may be repealed by order of the Lieutenant Governor in Council.

Commencement

- 2** This Act comes into force on the date it receives First Reading in the Legislative Assembly.