



COVID-19: Special Leave Provisions

As a result of COVID-19, the federal government and many provincial governments have amended employment standards legislation to provide for COVID-19 related leaves of absence. This chart summarizes those provisions and is current to January 17, 2022.

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Federal	<p><u>COVID-19 Leave</u></p> <p>On December 17, 2021, the Federal Government passed Bill C-2, <i>An Act to provide further support in response to COVID-19</i>. Among other things, Bill C-2 reintroduced the COVID-19 leaves of absence that were repealed November 20, 2021.</p> <p>An employee is entitled to a COVID-19-related leave of absence of:</p> <ol style="list-style-type: none"> a. up to 6 weeks if the employee is unable to work because they contracted or might have contracted COVID-19, because they are more susceptible to COVID-19, or because they are medically required to self-isolate; and b. up to 44 weeks if the employee is unable to work for certain COVID-19-related childcare or family reasons. <p>Employees must provide their employer with written notice, as soon as possible, of the reason for the leave and the length of leave they intend to take. An employee must also notify an employer in writing of any changes to the length of their leave, as soon as possible.</p> <p><u>Wage Supports</u></p> <p><u>The Canada Recovery Sickness Benefit (CRSB):</u> gives income support to employed and self-employed individuals who are unable to work because they have COVID-19, they need to self-isolate due to COVID-19, or they have underlying conditions, are undergoing treatments or have contracted other sicknesses that make them more susceptible to COVID-19. The CRSB is administered by the CRA and provides individuals with up to \$500 per week, for up to a maximum of six weeks. Bill C-2 extended the CRSB until May 7, 2022 and increased the maximum duration of the sickness benefit from 4 to 6 weeks.</p> <p><u>The Canada Recovery Caregiving Benefit (CRCB):</u> gives \$500 per week of income support to employed and self-employed individuals who are unable to work because they must care for their child under 12 years old or a family member who needs supervised care due to COVID-19 related reasons. Households can receive \$500 (\$450 after taxes withheld) for each 1-week period. Each household may apply up to a total of 44 weeks between September 27, 2020 and May 7, 2022. Bill C-2 extended the CRCB until May 7, 2022 and increased the maximum duration of benefits from 42 to 44 weeks.</p> <p><u>The Canada Worker Lockdown Benefit (CWLB):</u> established by Bill C-2, the CWLB provides \$300 a week in income support to eligible workers who are directly impacted by a COVID-19-related public health lockdown in their region up until May 7, 2022. Eligible workers may apply to receive this support retroactively from October 24, 2021.</p> <p><u>The Canada Recovery Benefit (CRB)</u> (ended October 23, 2021): gave eligible workers \$1,000 (\$900 after taxes withheld) for a 2-week period for up to 42 weeks. In addition to the eligibility requirements above, individuals must not have been eligible for Employment Insurance, and must have either been unemployed because of COVID-19 or had a 50% reduction in average weekly income compared to the previous year due to COVID-19. Unemployment must not have been voluntary and individuals could not have turned down</p>

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	<p>reasonable work.</p> <p><u>Other</u></p> <p>Until September 25, 2021, employees were not required to obtain a medical certificate in order to exercise their entitlement to maternity leave, compassionate care leave, critical illness leave, child hospitalization leave, and medical leave, as well as for breaks for medical reasons or nursing and pregnant or nursing job reassignment. As of September 26, 2021, employees are required, once again, to provide a medical certificate to take medical leave.</p>
British Columbia	<p><u>COVID-19 Leave</u></p> <p>COVID-19 sick leave was available between May 20, 2021 and December 31, 2021. Workers could take up to 3 paid sick days if they needed to stay home because of COVID-19. This leave is no longer available.</p> <p><u>Vaccination Leave</u></p> <p>Employees can take up to 3 hours of paid leave to receive each dose of their COVID-19 vaccination, and unpaid job protected leave if more time is required (<i>Employment Standards Act</i>). This time may be used to assist a dependent receiving a vaccination. Paid leave is retroactive to April 19, 2021.</p> <p><u>Other Leave</u></p> <p>Beginning on January 1, 2022, all employees in British Columbia covered by the <i>Employment Standards Act</i>, including part-time workers, are entitled to a minimum of 5 paid sick days. They are also entitled to 3 unpaid sick days each calendar year.</p>
Alberta	<p><u>COVID-19 Leave</u></p> <p>Effective March 5, 2020, an employee is entitled to unpaid leave for 14 days if they are under self-isolation or are caring for a child or dependent adult who is required to self-isolate. The employee need not have worked for 90 days to qualify for this leave, nor is a medical certificate required. This leave does not affect the employee's entitlement to the usual 16 weeks of unpaid leave per calendar year for illness or injury.</p> <p>Effective March 16, 2020, an employee caring for children affected by school and daycare closures or ill or self-isolated family members due to COVID-19 may access unpaid job-protected leave. The employee need not have worked for 90 days to qualify for this leave, nor is a medical certificate required. The length of the leave is flexible and linked to guidance from the Chief Medical Officer. Regular personal and family responsibility leave rules continue to apply for all other circumstances.</p> <p><u>Vaccination Leave</u></p> <p>Effective April 22, 2021 Alberta employees are entitled to a leave of a minimum of 3 hours of paid leave to receive each dose of a COVID-19 vaccine.</p>

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Saskatchewan

COVID-19 Leave

Effective March 6, 2020, Public Health Emergency Leave is available if either

- a. a public health emergency has been determined by the World Health Organization and the chief medical health officer has issued an order declaring that the public health emergency applies to Saskatchewan and that individuals must take measures to prevent or reduce the spread of disease, including self-isolation; or
- b. the chief medical health officer issues an order declaring that a disease present in Saskatchewan is sufficiently harmful to the public health that individuals must take measures to prevent or reduce the spread of disease, including self-isolation.

An employee is entitled to this leave for the period during which such an order is in force if:

- a. any of the following have directed employees to self-isolate to prevent/reduce the spread of the disease that is the subject of the order:
 - the employer of the employees;
 - a duly qualified medical practitioner;
 - the Government of Saskatchewan;
 - the chief medical health officer; or
- b. the employee is required to provide care to a child family member who is affected by a direction or order of the Saskatchewan Government or the chief medical health officer.

This places the employee on a protected leave which will not result in layoff or termination or trigger the payment of severance. Employees are entitled to this leave from their first day of work and do not need to provide a medical certificate.

The leave is unpaid unless the employee:

- is authorized by their employer to work at home during the leave;
- complies with the measures set out in the chief medical officer's order; and
- complies with any additional requirements set out in an order by the Lieutenant Governor in Council,

in which case the employee is entitled to be paid their regular wages and benefits.

On January 28, 2021, the province extended job protection to employees eligible to receive the Canada-wide Canada Recovery Sickness Benefit or Caregiving Benefit. The amendments provide that an employer cannot take discriminatory action against an employee who:

- is absent from work;
- has not provided notice of the absence;
- is eligible for either the Canada Recovery Sickness Benefit or Caregiving Benefit; or
- is in receipt of, or will be applying for, one of these two benefits.

On November 16, 2021, the Saskatchewan Government introduced Bill 606, the *Saskatchewan Employment (Paid Sick Leave) Amendment Act*, which, if passed, will provide for paid sick leave for up to: (a) 10 days each year during non-COVID-19 times; and (b) 14 days each year during the COVID-19 state of emergency.

Vaccination Leave

As of March 18, 2021, employees are allowed to take a minimum of 3 consecutive hours of paid time off to receive a COVID-19 vaccine during work hours. This applies only for a single dose, not a second vaccination dose where required. Employers can provide more than 3 hours off if they feel it is warranted. Employers may not request proof that the employee received a COVID-19 vaccine.

Other

On November 16, 2021, the Saskatchewan Government introduced Bill 606, the *Saskatchewan Employment (Paid Sick Leave) Amendment Act*, which, if passed, will provide for paid sick leave for up to: (a) 10 days each year during non-COVID-19 times; and (b) 14 days each year during the COVID-19 state of emergency.

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Manitoba

COVID-19 Leave

The Manitoba Pandemic Sick Leave program began May 7, 2021 and will now run until March 31, 2022. This leave provides employers with up to \$600 per employee for up to five full days of COVID-19 related sick leave, which do not have to be taken consecutively. Eligible sick leave related to COVID-19 includes testing, vaccinations and side effects, self-isolation due to COVID-19 symptoms, or care for a loved one in any of the previously mentioned circumstances.

The Manitoba *Employment Standards Code* was amended to provide additional rights to employees as a result of the COVID-19 pandemic. Employees may take an unpaid leave if they are unable to work because:

- they are under medical investigation, supervision or treatment;
- a health officer, health professional, Health Links-Info Santé, the Government of Manitoba or the Government of Canada instructed an employee to quarantine;
- the employee is immunocompromised;
- the employer is concerned that the employee has been exposed;
- the employee is providing care or support to a family member, including care or support needed to be provided as a result of the closure of a school or premises where child care is provided;
- the employee is directly affected by travel restrictions and cannot reasonably be expected to travel to their workplace;
- the employee is subject to an order made under *The Public Health Act*; or;
- the employee is acting in accordance with an order made under *The Emergency Measures Act*.

The new provisions will apply to any leave that started between March 1, 2020, and a date to be prescribed in regulation, specified once the pandemic is over.

An employee taking this leave may be required to provide the employer with reasonable verification of the necessity of the leave as soon as practicable.

Vaccination Leave

Employees are entitled to paid leave of up to 3 hours for the purpose of receiving a COVID-19 vaccination.

Other

Effective March 1, 2020 an employer cannot request, and an employee is not required to provide, a physician's certificate or other medical certificate for any of the following leaves:

- maternity leave;
- compassionate care leave;
- unpaid leave for organ donation;
- leave related to critical illness;
- long-term leave for serious injury or illness; and
- public health emergency leave.

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Ontario

COVID-19 Leaves

Paid Infectious Disease Emergency Leave: On April 29, 2021, the Government of Ontario passed Bill 284, the *COVID-19 Putting Workers First Act, 2021*, which requires employers to provide employees with up to \$200 per day of pay for up to 3 days if they are missing work because of COVID-19. Paid leave days are available for reasons such as:

- obtaining a COVID-19 test and staying home while awaiting results;
- being sick with COVID-19 or isolating pursuant to public health guidelines or medical guidance;
- receiving a vaccination or experiencing side effects from a vaccination; or
- taking care of a dependent who is sick with COVID-19 or its symptoms, or who is self-isolating due to COVID-19 exposure.

This program is retroactive to April 19, 2021 and was originally set to end September 25, 2021. It has now been extended to continue until July 31, 2022.

Infectious Disease Emergency Leave: this unpaid, job-protected leave is available to employees who are not performing the duties of their position for certain reasons related to COVID-19, including:

- personal illness, quarantine or isolation in specific circumstances;
- concern by the employer that the employee may expose other individuals in the workplace to COVID-19; or
- to provide care or support to certain family members for a reason related to COVID-19, including school or day care closures due to certain travel-related restrictions (e.g. where the employee cannot reasonably be expected to return to Ontario).

The leave is retroactive to January 25, 2020 and has no end date. Employers cannot require employees to provide medical notes to prove they are eligible for the leave, but can require "evidence that is reasonable in the circumstances."

Vaccination Leave

Employees are eligible to take leave in order to receive a vaccination or if they are experiencing side effects from vaccination as per Bill 284, the *COVID-19 Putting Workers First Act, 2021* (described above).

Other

Declared Emergency Leave (ended June 2, 2021): this applied where an emergency had been declared pursuant to the *Emergency Management and Civil Protection Act* (EMCPA), and the employee could not work because they were subject to an order under the EMCPA or the *Health Protection and Promotion Act*, or the employee needed to provide care or assistance to certain family members.

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Quebec	<p><u>COVID-19 Leave</u></p> <p>Employers are not obligated to pay employees who miss work for COVID-19 related reasons.</p> <p>Quebec employees can be absent from work, without pay, because of sickness, accident, or family obligations (e.g. health related emergencies). If an employee has 3 months' continuous service, they can benefit from up to 2 days of paid sick leave per year. This policy predated the COVID-19 pandemic.</p> <p><u>Vaccination Leave</u></p> <p>The Quebec government has introduced Bill 798, which allows employees paid leave for up to 4 consecutive hours to get vaccinated against the COVID-19 virus. The short leave applies to each of the two doses that most COVID-19 vaccines require. Employees will be required to inform their employer as soon as reasonably possible of their vaccination appointment time. No effective date has been set for Bill 798.</p>
New Brunswick	<p><u>COVID-19 Leave</u></p> <p>Retroactive to March 12, 2020 an employee is eligible for an unpaid COVID-19 emergency leave if they are:</p> <ul style="list-style-type: none"> • under individual medical investigation, supervision or treatment related to COVID-19; • acting in accordance with an order under the <i>Public Health Act</i> related to COVID-19; • in quarantine or isolation or otherwise subject to a control measure implemented in relation to COVID-19; • directed by their employer in response to the employer's concern that the employee may expose other individuals in the workplace to COVID-19; • providing care or support to an individual with whom the employee shares a close family relationship because of a matter related to COVID-19 that concerns that individual (including school/childcare closures); or • directly affected by travel restrictions related to COVID-19 and cannot reasonably be expected to travel back to New Brunswick. <p>An employer who suspends, lays off, dismisses or otherwise terminates an employee eligible or deemed to be eligible to be granted an emergency leave shall be deemed to have granted the employee an emergency leave. An employee intending to take the leave shall notify the employer in writing as soon as possible of their intention and the anticipated commencement and duration of the leave. Employers may not request a medical certificate or other proof from a medical practitioner regarding eligibility for the leave.</p> <p><u>Vaccination Leave</u></p> <p>New Brunswick does not specifically require employers to provide a paid leave to employees obtaining a COVID-19 vaccine or for illness/injury in general.</p>

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Nova Scotia	<p><u>COVID-19 Leave</u></p> <p>The COVID-19 Paid Sick Leave Program allows eligible employees to qualify for up to 4 paid sick days. Businesses can apply for reimbursement for an employee's pay when an employee needs to take time off. Self-employed people can also apply. The program will be in place from December 20, 2021 to March 31, 2022.</p> <p>The government will reimburse employers up to \$160 per day or total of \$640 per worker. The days off do not need to be taken consecutively.</p> <p>Eligible reasons for sick leave include COVID-19 testing, vaccination or self-isolation. Employees must not already have paid sick leave, must be unable to work remotely, and miss less than 50% of scheduled work time in a one-week period due to COVID-19. Employees that miss more than 50% should apply to the Canada Recovery Sickness Benefit.</p> <p><u>Vaccination Leave</u></p> <p>The COVID-19 Paid Sick Leave program provides employees with paid leave to receive a vaccination.</p>
Prince Edward Island	<p><u>COVID-19 Leave</u></p> <p>Retroactive to March 16, 2020, employees have the right to take an unpaid, job protected leave if they are unable to work for reasons related to COVID-19, including the need to isolate or quarantine, the need to care for a family member due to school or facility closure, or due to travel interruptions. It ends when either the emergency is terminated or the COVID-19 pandemic no longer prevents the employee from performing their duties.</p> <p>Employees with 5+ years of continuous service are eligible for 1 day of paid sick leave and three days unpaid leave.</p> <p>In addition, the COVID-19 Special Leave Fund was implemented on April 14, 2021. This is a temporary support for workers and self-employed people who are unable to schedule a vaccination appointment outside of work hours, or unable to work due to illness or COVID-19 testing or self-isolation requirements, and who do not qualify for the Canada Recovery Sickness Benefit or have access to paid sick leave.</p> <p>This program will reimburse employers and/or a self-employed person without a paid sick leave program for sick time of an employee/person who missed less than 50% of scheduled time in a one-week period:</p> <ul style="list-style-type: none">• to attend a COVID-19 vaccination appointment;• due to illness;• due to COVID-19 testing; and/or• due to the need to self-isolate. <p>Employer/self-employed people may apply to the program for a maximum of 3 days per week on up to 2 separate occasions to a maximum of 6 days for loss of wages that are less than 50% of scheduled time in a one-week period.</p> <p><u>Vaccination Leave</u></p> <p>The COVID-19 Special Leave Fund (described above) provides employees with paid leave to receive a vaccination.</p>

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Newfoundland and
Labrador

COVID-19 Leave

Effective March 14, 2020, the Communicable Disease Emergency Leave entitles an employee to a leave of absence from employment without pay where the employee will not be performing the duties of his or her position because, for a reason related to COVID-19, the employee is:

- under individual investigation, supervision or treatment related to COVID-19;
- acting in accordance with a public health order;
- in quarantine or self-isolation as a result of directions related to COVID-19 issued to the public;
- directed by his or her employer not to work;
- providing care and support to a designated individual because of a matter related to the designated infectious disease that concerns the individual, including but not limited to school or day care closures; or
- directly affected by the travel restrictions related to the designated infectious disease and cannot reasonably be expected to travel back to Newfoundland & Labrador.

An employer may require an employee who takes this leave to provide evidence reasonable in the circumstances, at a time that is reasonable in the circumstances, that the employee is entitled to the leave, but shall not require an employee to provide a certificate from a medical practitioner or a nurse practitioner as evidence.

These measures are retroactive to March 14, 2020.

Vaccination Leave

Newfoundland and Labrador does not specifically require employers to provide a paid leave to employees obtaining a COVID-19 vaccine or for illness/injury in general. Federal subsidies, such as the Canada Recovery Sickness Benefit, the Canada Recovery Benefit, and the Canada Recovery Caregiving Benefit, are available.

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Yukon

COVID-19 Leave

During a state of emergency, an employee is entitled to a leave of absence without pay for a period of up to 14 days if the employee requires the leave because the employee is subject to a health protection measure, or to care for the employee's child or an eligible person while the child or eligible person is subject to a health protection measure. This leave must be taken in one continuous period, and the employee who takes this leave must provide as much notice as is practicable in the circumstances. These provisions remain in place from June 3, 2020 to 14 days after the end of the state of emergency.

Employees are not required to provide a medical note as a condition of the employee's entitlement to sick leave.

Wage Supports

The Paid Sick Leave Rebate supports Yukon workers and self-employed people affected by COVID-19. Workers may receive up to 10 non-consecutive days' wages if they are sick, self-isolating or caring for other household members. The maximum daily rebate is \$378.13 per employee. Workers must first use any employer-paid leave to which they are entitled.

This program does not pay wages for self-isolation after voluntary travel outside Yukon or for companies bringing workers into the territory. The Rebate is in place from March 11, 2020 to September 30, 2022.

Vaccination Leave

Yukon does not specifically require employers to provide a paid leave to employees obtaining a COVID-19 vaccine.

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Northwest Territories

COVID-19 Leave

On July 1, 2021, the government introduced Emergency Leave under the *Employment Standards Act*. Emergency Leave provides job protection to NWT workers by allowing them to access unpaid leave when they are unable to perform their duties because of an emergency, such as the ongoing COVID-19 public health emergency. Entitlement to Emergency Leave for COVID-19 is retroactive to March 18, 2020. Employees may take leave for the following reasons:

- they are under individual medical investigation, supervision or treatment related to COVID-19;
- they are attending a COVID-19 vaccination appointment;
- they are in isolation or quarantine pursuant to directions related to COVID-19 issued to the individual or the public;
- they are directed by their employer not to work due to a concern that the employee may expose others in the workplace to COVID-19;
- the employee is providing care or support to a family member due to a prescribed situation related to COVID-19, including a school or day care closure;
- the employee is directly affected by travel restrictions;
- the employee is required to self-isolate or quarantine as a result of essential travel; or
- the employee has an underlying health condition that puts them at greater risk of getting COVID-19.

Wage Supports

To support low wage workers during the COVID-19 pandemic, the Government of Northwest Territories implemented the Wage Top-up program which ran from April 1, 2020 to August 31, 2021. This program provided temporary financial assistance to workers earning less than \$18 per hour and was taxable.

Vaccinations

Northwest Territories does not specifically require employers to provide a paid leave to employees obtaining a COVID-19 vaccine.

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Nunavut

COVID-19 Leave

An employee is entitled to and shall be granted COVID-19 Public Emergency Leave if they are unable to work because:

- the employee has or is suspected of having COVID-19;
- the employee is under medical investigation, supervision or treatment due to COVID-19;
- the employee is subject to a health protection measure;
- the employee has underlying conditions, is undergoing treatments, or has contracted other sicknesses that, in the opinion of a health care professional, would make them more susceptible to COVID-19;
- the employer has directed the employee not to work for a reason related to COVID-19;
- it is necessary for the employee to assist or care for an immediate family member because the immediate family member has or is suspected of having COVID-19; is under medical investigation, supervision, or treatment due to COVID-19; or is subject to a health protection measure;
- it is necessary for the employee to care for an immediate family member who is a child less than 12 years of age on the first day of the period of COVID-19 public emergency leave, because the school or other facility that the child normally attends is closed, open only at certain times or open only for certain children due to COVID-19; the child cannot attend the school or other facility that the child usually attends because the child is subject to a health protection measure; the child would, in the opinion of a health care professional, be at risk of having serious health complications if they contract COVID-19; or the person who usually cares for the child is not available for a reason related to COVID-19; or
- it is necessary for the employee to assist or care for a person with whom the employee is in a care relationship because the person has or is suspected of having COVID-19; the person is under medical investigation, supervision, or treatment due to COVID-19; the person is subject to a health protection measure; the day program or facility that the person normally attends is closed, open only at certain times or open only for certain persons due to COVID-19; the person cannot attend the day program or facility that the person usually attends because the person is, in the opinion of a health care professional, at risk of having serious health complications if they contract COVID-19; or the care service normally provided to the person is not available for a reason related to COVID-19.

An employee is entitled to leave for as long as a circumstance described above applies.

Vaccination Leave

Nunavut does not specifically require employers to provide a paid leave to employees obtaining a COVID-19 vaccine.

