

June 20, 2022

## BC – Employment Standards Act (ESA) Paid Sick Days Frequently Asked Questions

Effective January 1, 2022, BC –ESA implemented 5 days of paid leave per year for personal illness or injury. Effective March 31, 2022 changes to this sick leave legislation came into effect to strengthen the paid sick leave legislation. As of this date, any university employee who has been employed for more than 90 days and who's collective agreement or sick leave entitlement does not provide them with a **minimum of 5 paid sick days and 3 unpaid sick days** for illness or injury, the BC-ESA Sick Leave will apply. Under this legislation, employees are entitled to an [average day's pay](#).

Sick leave should be reported on the timesheet for Hourly employees and the UNBC Leave Form for Salaried employees. Eligibility will be determined by Payroll. You can find fillable timesheets and leave forms at <https://www2.unbc.ca/human-resources/pay-information-forms>.

1. Are casual employees who work at UNBC entitled to the 5 BC-ESA Paid Sick Days and 3 unpaid days?

Yes, after 90 days of employment, a casual employee is entitled to the 5 BC-ESA Paid Sick Days and 3 unpaid sick days, based on an average day's pay.

Please note that the BC-ESA Sick Days do not compound beyond the 5 BC-ESA Paid Sick Days and 3 unpaid days.

2. Casual employees can be active in the system for long periods of time (sometimes years) but aren't always physically working. Are they entitled to the BC-ESA Paid Sick Days?

It depends, on the day they are sick and how much the employee has worked. Payroll will determine eligibility and calculate the payable amount when a timesheet is submitted with a sick day indicated. If eligible, the employee would be entitled to a paid sick day, based on an average day's pay, within the past 30 days.

3. Does the BC-ESA Paid Sick Leave apply to co-op students?

Yes, the BC ESA Paid Sick Leave entitlement applies to co-op students, after 90 days of employment.

4. Who is responsible for calculating and keeping track of the BC-ESA Paid Sick Leave?

The Payroll department will track and calculate entitlements.

5. How will Payroll calculate the BC Sick Leave entitlement for the 5 paid sick days per year? Should the entitlement be based on the employee's hire date or based on calendar year?

Calculations for an average day's pay are as per the BC-ESA as outlined below. Number of days paid will be tracked by Payroll.

In response to hearing from numerous employers, the BC government has recently amended the act to make the calculations based on a **calendar year** in order to simplify the administrative

process. These changes are effective immediately.

6. How are BC Sick Days for casuals reported?

For hourly paid casual employees, the employee and/or supervisor will report the sick time via timesheet by ticking the sick leave box for any day in the pay period that sick leave was taken. If the entire shift is missed, hours do not need to be reported, just a tick in the SICK column. If a partial shift was worked and the remaining hours of the shift were sick leave, then the actual hours worked in the “Number of Hours Worked” column is to be completed and a tick in the SICK column.

7. Many of our union employees work part-time and or irregular schedules. Who is responsible for calculating their entitlement and will payroll be handling the average day’s pay calculations for employees who are not on fixed income?

The Payroll department will calculate employees’ entitlements.

8. Who is responsible for calculating an average workday?

The Payroll department will calculate the average workday.

9. How is a partial sick day calculated?

ESA does not contemplate partial days. Under this legislation, the employee is entitled to be paid for the hours worked PLUS an average day’s pay for the sick leave.

E.g., If a casual who has been working full time in the previous 30 days and works for only 4 hours and then goes home sick, they are entitled to be paid for 4 hours’ regular pay PLUS 7 hours of paid sick leave. By the same token, even though they only missed a part-day this counts as one full day of the entitled 5 paid days.

Please see explanation of how to calculate [average day’s pay](#) as per BC ESA.

See below for quick reference to information and examples:

**Calculating an “average day’s pay”**

An average day’s pay is calculated by dividing the amount paid or payable in the 30 calendar days before the leave by the number of days worked during that 30-day period.

- “Amount paid” includes regular wages, commissions, statutory holiday pay, annual vacation pay, and sick pay required by this Act, but does not include overtime pay. Payments from benefit plans are not considered wages for the purposes of this section.
- “Days worked” includes, for the purposes of this section, any days when wages were earned. This would include days of paid annual vacation, paid statutory holidays, or other paid sick days required by this Act that occur in the 30 calendar days prior to the sick day.

**Example 1:** An employee in the food service industry worked 20 out of the 30 days before they took

sick leave. Each week, they worked 4 hours per day on Tuesday, Wednesday and Thursday, and 10 hours per day on Friday and Saturday. Their regular wage is \$17 per hour.

Overtime is not included in the calculation for an average day's pay. There are 12 hours total for Tuesday, Wednesday, and Thursday (4 hours x 3 days) and 16 hours for Friday and Saturday (20 hours - 4 hours overtime). The total is 28 hours per week x 4 weeks. There are 112 hours for the 20 days in total.

- 112 hours x \$17 per hour = \$1904
- \$1904 divided by 20 days = \$95.20

The sick pay entitlement in this example would be \$95.20 for one sick day.

**Example 2:** A casual employee who has been employed for many years is scheduled to work two days in March. They do not earn any wages or work any shifts in January or February. On March 1st they work one 8-hour shift. They call in sick for their 4-hour shift on March 2nd. They are entitled to 8 hours of wages ("an average day's pay" based on section 49.1(3) calculation) for the March 2nd sick day.

Should you have any further questions, please contact HR at [hr@unbc.ca](mailto:hr@unbc.ca) or Payroll at [payroll@unbc.ca](mailto:payroll@unbc.ca).