

A Cross-Canada Overview of COVID Sick Leave Entitlements

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The COVID-19 global pandemic has prompted many governments around the world to revisit employee sick leave protections. Employers in Canada, as in other parts, continue to face the unique challenge of adapting to evolving information about the coronavirus, appropriate workplace safety measures, testing and vaccine recommendations, mandated closures, and changes in isolation rules for workers. And, as much as we've seen different countries take different legislative measures to address the workplace dangers of COVID-19, each jurisdiction within Canada has responded in its own way. This article aims to help you know how to best address this uncertainty in the provinces and territories in which your company operates.¹

When the pandemic began, only two Canadian provinces offered paid sick leave to workers: Quebec and Prince Edward Island. Now, most jurisdictions in Canada have implemented a variation of a COVID-19 sick leave program and six of 13 governments afford workers the opportunity to take paid time off.

Consistent with the recommendations of the United States Centers for Disease Control and Prevention, every province and territory recently shortened isolation periods for fully vaccinated individuals. Nova Scotia, Prince Edward Island, and Newfoundland and Labrador, as well as Yukon and Nunavut, cut the isolation period from 10 days to seven for vaccinated people. Every other province and the Northwest Territories adopted five days. Uniformly, individuals who are not fully vaccinated in Canada must isolate for at least 10 days.

Given that COVID-19 isolation requirements have obviously impacted the ability of employees to attend work and earn wages, several jurisdictions across Canada have implemented leave provisions (in some cases, paid leaves) to help employees (and employers) adapt to the consequences associated with leaves of absence due to COVID-19.

A brief summary by province and territory is set out below.

[Alberta](#)

[Manitoba](#)

[Newfoundland and Labrador](#)

[Nova Scotia](#)

[Prince Edward Island](#)

[Saskatchewan](#)

[Federally Regulated Sectors](#)

[British Columbia](#)

[New Brunswick](#)

[Northwest Territories](#)

[Ontario](#)

[Quebec](#)

[Yukon](#)

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Alberta

(unpaid sick leave – 14 days)

As of March 5, 2020, employees who are in quarantine due to COVID-19 are eligible for 14 days of unpaid leave, regardless of their length of service. Employers are not required to pay for sick time or time where an employee did not work or earn wages. Employees can request to use their available vacation pay or banked overtime. Employees can access this leave more than once, if necessary. More information is available on the Alberta government website [here](#).

British Columbia

(paid sick leave – 5 days)

Effective January 1, 2022, full-time and part-time employees in British Columbia who have worked for their employer for at least 90 days will be eligible for up to five days of paid leave per year for any personal illness or injury, including for reasons unrelated to COVID-19. British Columbia's first-ever permanent paid sick leave program is in addition to the three days of unpaid sick leave currently provided by the *Employment Standards Act*. More information is available on the British Columbia government website [here](#).

Manitoba

(paid sick leave – 5 days)

The Manitoba Pandemic Sick Leave program provides employers with up to \$600 per employee for up to five days of COVID-19-related sick leave between May 7, 2021 and March 31, 2022. To be eligible, employees must be resident in Manitoba and work and receive wages in Manitoba on a full or part-time basis. Employers can submit applications until April 15, 2022. 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. More information is available on the Manitoba government website [here](#).

New Brunswick

(unpaid sick leave)

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New Brunswick amended its *Employment Standards Act* on April 17, 2020, to create the COVID-19 Emergency Leave regulation, which provides all employees with the right to an unpaid leave of absence related to COVID-19. Eligible employees are those under medical investigation, supervision or treatment related to COVID-19, acting in accordance with a public health measure, under quarantine or isolation, providing care or support to someone in a close family relationship, or are directly affected by COVID travel restrictions. More information is available on the New Brunswick government website [here](#).

Newfoundland and Labrador

(unpaid sick leave)

The Newfoundland and Labrador Communicable Disease Emergency Leave provides workers with unpaid time off for reasons related to COVID-19. Employees are eligible if they are unable to perform their duties due to a public health order, medical illness, isolation, quarantine, family responsibility, and are affected by travel restrictions. However, the government says this is a minimum standard and employers can offer additional conditions such as paid sick leave. More information is available on the Newfoundland and Labrador government website [here](#).

Northwest Territories

(unpaid sick leave)

On July 1, 2021, the Government of the Northwest Territories implemented Emergency Leave, which allows workers to access unpaid leave when they are unable to perform their duties because of an emergency, including COVID-19. The changes are retroactive to March 18, 2020. More information is available on the Northwest Territories government website [here](#).

Nova Scotia

(paid sick leave – 4 days)

Nova Scotia's COVID-19 Paid Sick Leave program is available from December 20, 2021 to March 31, 2022, for up to four paid sick days for individuals who cannot work remotely and miss less than 50% of their scheduled work time in a one-week period because of COVID-19. Employees can access this paid leave to get tested, vaccinated, self-isolate, or care for a family member. More information is available on the Nova Scotia government website [here](#).

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Ontario

(paid sick leave – 3 days)

On April 29, 2021, the Ontario COVID-19 Worker Income Benefit came into effect. Employers are required to provide eligible employees with up to three days of paid infectious disease emergency leave because of certain reasons related to COVID-19. Employees can access this paid leave to get tested, vaccinated, self-isolate, or care for a family member. The paid infectious disease emergency leave was most recently set to end on December 31, 2021, and will now continue until July 31, 2022. Eligible employers who apply are entitled to be reimbursed the amount of infectious disease emergency leave pay that they paid to their employees, up to \$200 per employee per day taken. Ontario's *Employment Standards Act, 2000* also provides for an *unpaid* infectious disease emergency leave with no specified duration. More information is available on the Ontario government website [here](#).

Prince Edward Island

(paid sick leave – 6 days)

Prince Edward Island introduced the COVID-19 Special Leave Fund as a temporary support only available to workers who do not qualify for the federal programs or do not have access to paid sick leave. Employers and self-employed individuals may apply to the program for a maximum of three days per week on up to two separate occasions to a maximum of six days for loss of wages that are less than 50% of scheduled time in a one-week period. The program began on March 1, 2021 and continues to be available while the province remains under a public health emergency. More information is available on the Prince Edward Island government website [here](#).

Quebec

(paid sick leave – 2 days)

In Quebec, workers who have three months of uninterrupted service can receive up to two paid sick days a year to take care of a relative or person for whom they act as an informal caregiver or in the case of sickness, including reasons unrelated to COVID-19. A worker may be absent for an extended period owing to an illness (including but not limited to COVID-19) for up to 26 weeks without pay over a 12-month period. More information is available on the Quebec government website [here](#).

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Saskatchewan

(unpaid sick leave – 12 days)

Currently, Saskatchewan does not offer paid sick leave. On November 15, 2021, the Saskatchewan NDP introduced Private Member's Bill 606² to amend *The Saskatchewan Employment Act* to provide for paid sick leave. If the legislation passes, it will require employers to provide employees with 10 days of paid leave in a 52-week period or 14 days of paid leave in a 52-week period during a state of emergency related to a communicable disease.

Yukon

(paid sick leave – 10 days)

The Yukon government implemented The Paid Sick Leave Rebate for employers to receive reimbursement for up to 10 days' wages paid to full-time or part-time workers who were unable to work because they were sick with COVID-19 or were self-isolating or caring for other household members. Self-employed individuals are also eligible for the rebate. The program runs between April 1, 2021 to September 30, 2022.

The government also introduced a new 14-day unpaid leave. Under the new regulation, an employee is entitled to a leave without pay for a period of up to 14 days when employees or someone in their care are ordered to follow a health protection measure. This unpaid leave complements the Yukon government's program supporting employers who wish to offer the 10-day COVID-19 related paid sick leave. This leave will be in effect until 14 days after the Civil Emergency Measures Health Protection (COVID-19) Order is lifted. More information is available on the Yukon government website [here](#).

Federally Regulated Sectors

(paid sick leave – 10 days)

On December 17, 2021, the Government of Canada amended the *Canada Labour Code* to provide up to 10 days of paid sick leave to all federal employees. Further, the Government announced its plans to convene the provinces and territories in early 2022 to develop a national action plan to legislate paid sick leave for all workers across the country.³

The Government of Canada also offers the following to support people, businesses and organizations facing hardship because of the COVID-19 outbreak:

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- The [Canada Recovery Sickness Benefit](#) provides up to six weeks of support to employed and self-employed individuals who are sick and need to self-isolate due to COVID-19. This program is available between September 27, 2020 and May 7, 2022.
- The [Canada Recovery Caregiving Benefit](#) provides support to employed and self-employed individuals who must stop work to care for dependents due to closures, high risk, and caregiver availability. This program is available for up to 44 weeks between September 27, 2020 and May 7, 2022.
- [Employment Insurance](#) provides sickness benefits to individuals who cannot work for medical reasons including illness, injury, or quarantine. EI sickness benefits can provide up to 15 weeks of financial assistance and workers can receive 55% of their earnings up to a maximum of \$638 per week.
- The [Canada Recovery Benefit](#) provided income support to employed and self-employed individuals who were directly affected by COVID-19 and were not entitled to Employment Insurance benefits. Applications for this program are now closed.

More information about federal COVID-19 benefits and services is available [here](#).

Conclusion

Over the past year and a half, the varying sick leave provisions enacted across Canada (whether COVID-19-focused or otherwise) have encouraged workplaces to follow best practices in public health measures. While we appreciate that it can sometimes be a challenge for employers to remain apprised of COVID-19-related legal developments given the rapid pace of legislative change during this pandemic, it is important for all employers to do so, not only from a legal compliance perspective but also, where applicable, to leverage government programs, benefits and supports that may be available.

¹ The information in this article is up to date as of March 7, 2022 and is subject to change without notice as applicable legislation continues to evolve.

² Bill 606, "An Act to amend *The Saskatchewan Employment Act* to provide for Paid Sick Leave", <online <https://publications.saskatchewan.ca/api/v1/products/115590/formats/131259/download>>

³ Government of Canada, "Legislation to provide ten days of paid sick leave and enhance protections for health care workers receives Royal Assent", <online <https://www.canada.ca/en/employment-social-development/news/2021/12/legislation-to-provide-ten-days-of-paid-sick-leave-and-enhance-protections-for-health-care-workers-receives-royal-assent.html>>