

September 29, 2021

URGENT

To:

Honourable Harry Bains

Minister of Labour

c/o LBR.Minister@gov.B.C..ca

Dear Minister:

Re: Consultation Submission on Proposed Permanent Paid Sick Leave

On behalf of the Chartered Professionals Human Resources Association of British Columbia and Yukon (“CPHR B.C. & Yukon”), we write to provide our feedback on B.C.’s proposal to mandate permanent paid sick leave. Although Minister Bains is familiar with our organization, we will briefly introduce our organization for the benefit of others who may read this document.

Background on CPHR B.C.

Founded in 1942, CPHR B.C. & Yukon represents over **7000 human resource professionals and their service providers and advisors in B.C. and the Yukon.**

As a not-for-profit organization incorporated in British Columbia, CPHR B.C. & Yukon is governed by a 12-person volunteer board of directors elected by the association’s members. It provides oversight to the

certification of the HR profession in both B.C. and Yukon, and is funded largely through member dues, course fees and sponsorship. It receives no funding from government.

The association grants the Chartered Professional in Human Resources (CPHR™) designation in British Columbia and Yukon. As a member of CPHR Canada, CPHR B.C. & Yukon contributes to setting and upholding national standards for HR professionals. We have an approach to advocacy that is unique as we promote public policies that ensure a healthy balance between organizational success and employee well-being, thus contributing to the overall success of the economy.

And, as a profession on the front lines of the pandemic and working with employers towards recovery, we are well situated to help inform the government of B.C. based on “people first” goals, policies and funding.

Most of our members work every day on the front lines of labour/employees relations within the framework of the *Employment Standards Act* (“ESA”) and applying it every day, whether as HR professionals or as advisors to employers. So our members are not only directly affected by any changes to the ESA but offer a wealth of practical experience on the topic of this consultation. We are thus uniquely positioned to provide insights into the practical impact of mandating permanent paid sick leave. Our members, the **more than 2,650 organizations they work for**, and the employees of the organizations where our members work will be directly affected by the proposed change to permanently require employers to provide paid sick leave.

Key Message: Workers must have access to paid sick leave; employers need to be supported.

It is estimated that as many as a half of employees in B.C. do not have access to paid sick leave.

Generally, those in precarious employment including women, youth, minimum wage earners and other equity groups are more likely to hold lower-paid jobs that do not provide benefits such as employer-paid sick leave. Without paid sick leave, employees often have no option but to go to work risking infecting others or in some cases, worsen their own health. Sick workers are not as productive as healthy workers. They suffer, their families suffer, and their employers suffer but often lack the resources to provide an adequate sick leave plan themselves.

On May 20, 2021, the government introduced temporary provisions that provide employees three days of paid sick leave if they need to stay home as a result of circumstances related to COVID-19. Employers who

do not currently provide employees paid sick leave are eligible for reimbursement of up to \$200 a day per employee for up to three days paid leave. As you know, this initiative is set to expire on December 31.

The government has indicated that it wishes to permanently require employers to provide three days paid leave. While an Options Paper has been developed which presents three possible models for the new paid sick leave entitlement to British Columbians, further details are necessary for employers to fully comment or provide feedback on this policy. CPHR B.C. & Yukon is pleased to have the opportunity to provide input into those consultations but for the purpose of this submission, however are requesting that you might give consideration to some of the practical application challenges and perhaps unintended consequences that CPHR B.C. & Yukon has identified may flow from the amendments as they have been proposed.

We share with you below a few significant questions which have yet to be addressed:

- As the communication to employers refers to a range of possible models, but only refers to three different numbers of paid days (3, 5, 10), will there be a consultation process that allows stakeholders to have input on the details of the paid leave beyond just the number of paid days?
- The Section 49.1 proposed amendment refers to paid and unpaid days, is it at the employee's or employer's option which they use first?
- Is the government considering a permanent subsidy for employers? If yes, are they considering evening the playing field so that employers who already had a sick pay program for some employees (e.g. full-time vs. part-time or casual employees) can still get reimbursement for employees who are now eligible but were not under the employer's sick program, as they too now have a new permanent increase in costs?

For HR professionals working in a unionized environment, they note that sick leaves are typically a large portion of their collective agreements, which speaks to the clarity required for HR professionals, who will be implementing these policies in their workplaces. HR professionals are also asking for more details such as whether an employee providing care for family members or dependents would be factored into this policy.

We recommend that as the recovery remains uncertain the government consider extending the subsidy temporarily to those employers who currently do not provide paid sick leave.

We also recommend reviewing the eligibility criteria as sick leaves are complex and it should be noted that employers and HR professionals need more clarity around the idiosyncrasies of the policy prior to mandating. We recommend another consultation process to fully appreciate how employers will be impacted and provide more clarity.

Conclusion

We appreciate that the government is striving to put people first in ensuring a strong, resilient and sustainable future for all. We encourage the government to continue supporting businesses that have been most affected by the pandemic as the economy slowly reopens and to further consider the impacts of their decisions on those employers and businesses. CPHR B.C. & Yukon, along with its partners across Canada and around the world is keen to be part of this “people first” future building.

To summarize, CPHR B.C. & Yukon’s recommendation is extending the Employer Reimbursement Program one year and reviewing the eligibility criteria, through another consultation prior to implementing the new policy. This may facilitate a smoother transition for organizations who are still struggling without having to deal with additional new permanent costs. An extension would also allow policy makers to analyze the intended and unintended consequences of the permanent paid sick leave initiative.

We commend the government for creating a made-in-B.C. permanent paid personal illness and injury leave that will be fair, balanced and reasonable for everyone.

We welcome a consultation with our members as needed to provide insights into the practical impact of mandating permanent paid sick leave. We thank you for your consideration and would be pleased to answer any questions about this letter.

Sincerely,



Anthony Ariganello, CPHR
President & CEO,
Chartered Professionals in Human Resources, B.C. & Yukon