Federal Government encouraging provinces to recognize 10-Day paid sick leave

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In the midst of Monday's political back-and-forth, Prime Minister Justin Trudeau made his strongest comments to date that may ultimately prove relevant for both Canadian citizens and their employers.

While the debate over how and where Canadian Parliament should function in the midst of the COVID-19 pandemic remained at an impasse, Prime Minister Trudeau and NDP leader Jagmeet Singh did agree on their shared desire to see all Canadian provinces and territories implement more robust sick leave. This would allow employees to feel more comfortable staying home when they feel ill, a change that may help mitigate against the threat of a second wave of COVID-19.

Extended sick leave in the age of COVID-19

While in Canada the majority of employment standards are regulated at the provincial level, the Federal Government does have a history of utilizing their federal funding power to influence change at the provincial level, which trickles down to Canadians and their employers.

Currently, all of the Canadian provinces have slightly different sick leave provisions, which are generally unpaid. The range of sick leave entitlements across the provinces and territories present quite a range, from three days in Manitoba to up to 26 weeks per 12-month period in Québec.

Given the often-restrictive nature of sick leave entitlements in Canada, employees often feel compelled to ignore mild colds or other ailments in order to preserve their sick days, wages and positions. British Columbia Premier John Horgan has acknowledged this issue, noting that come fall flu season, provinces will need to work towards encouraging employees to stay home should they exhibit flu-like symptoms, as many of these symptoms resemble those exhibited by individuals suffering from COVID-19. Such a cultural shift is considered necessary by these leaders, as the threat of a second wave of COVID-19 is too medically and economically significant to allow employees to address their own symptoms cavalierly and place both themselves and others at risk.

On Monday, the Prime Minister agreed with both Singh and Horgan, making his most emphatic comments on the issue to date. “To come out of this crisis, our country needs workers…more than ever,” he proclaimed, stating that “right now, it is incredibly important that any worker who has been exposed to COVID-19 can self-quarantine without [the] anxiety of lost wages.”

The Prime Minister went on to say that “Nobody should have to choose between taking a day off work due to illness, or being able to pay their bills,” and committed to the government “[continuing] discussions with the provinces without delay on ensuring that as we enter the recovery phase of the pandemic, every worker in Canada who needs it has access to 10 days of paid sick leave a year.”

In response to Prime Minister Trudeau’s comments, Singh encouraged him to put in place further measures to provide support to Canadians with disabilities who are struggling during the pandemic as well.

Takeaways

Prime Minister Trudeau’s comments may very well result in change at the provincial level, as provinces across Canada have already put in place temporary changes aimed at assisting Canadian employers and employees during the COVID-19 shutdown.

Several Canadian provinces have already extended temporary layoff thresholds and enacted job-protected statutory leaves for those suffering from or incurring child or healthcare obligations due to COVID-19, with more jurisdictions likely to follow suit as the economic shutdown continues in many parts of the country.

Given the rare bipartisan agreement on the need for paid sick leave to mitigate against the threat of a second wave of COVID-19, it is likely that we will see some version of this requirement incorporated into employment legislation across the country in the coming months. Employers should begin to prepare for such a change and should consider how their internal policies and company handbooks can be updated to ensure compliance with provincial legislation.

Employers should also begin to think about how their work-from-home (WFH) policies will operate this fall, when employees begin to stay home more often to recover from their flu-like symptoms. More flexible WFH policies may encourage employees to feel more comfortable remaining productive at home while under the weather, instead of using potential newly-incorporated paid sick time, which can leave employers temporarily under-staffed.

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