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EMPLOYMENT STANDARDS CODE AMENDMENT ACT (COVID-19 Paid Sick Leave), 2021



First Reading
Second Reading
Committee of the Whole.....
Third Reading.....
Royal Assent.....

**** Drafted by NDP Caucus Services****

EMPLOYMENT STANDARDS CODE AMENDMENT ACT (COVID-19 Paid Sick Leave), 2021

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000, c E-9

1 the Employment Standards Code is amended by this Act.

2 The following is added after 53.9821

COVID-19 Emergency Paid Leave

Section 53.9822 (1) In this section:

- (a) "Chief Medical Officer" means the Chief Medical Officer of Health as may be appointed under the Public Health Act;
- (b) "COVID-19" means COVID-19 as described or determined by the World Health Organization;
- (c) "quarantine" includes any self-isolation and self-quarantine as a result of COVID-19, as may be recommended or directed by the Chief Medical Officer.

(2) Notwithstanding the unpaid leave provided in Alberta Regulation 29/2020¹, an employee who is ill or in quarantine due to COVID-19 is entitled to up to 10 days of paid sick leave for themselves or a legal dependent in a calendar year.

(3) For greater certainty, an employer must provide access to paid leave under this section where applicable prior to an employee taking unpaid leave as allowed for in sections 53.97, Alberta Regulation 29/2020, and any other sections of this Act.

(4) Notwithstanding section 53.97 of the Act, an employee under quarantine is exempt from

- (a) the requirement to be employed for 90 days by the same employer, and

¹ <will remove footnote> Employment Standards (COVID-19 Leave) Regulation

(b) the requirement to provide a medical certificate or a copy of a medical certificate to the employee's employer.

(5) Nothing in this section affects the right of an employee to the entitlement of 16 weeks unpaid leave in a calendar year for illness or injury under section 53.97 of the Act.

(6) An employer must ensure that an employee does not lose any earnings or other benefits as a result of taking leave under this section.

(7) If a collective agreement contains any provisions respecting paid leave that apply to a circumstance described in (2), and the provisions, when considered together, meet or exceed the requirements, when considered together, of this section, those provisions of the collective agreement replace the requirements of this section in respect of employees covered by the collective agreement.

(8) If a collective agreement contains no provisions respecting paid leave that apply to a circumstance described in (2), or contains any provisions respecting paid leave that apply to those circumstances that, when considered together, do not meet or exceed the requirements, when considered together, of this section, this section is deemed, while this section is in force, to be incorporated in the collective agreement as part of its terms.

(9) The Minister may extend the leave referred to in (2) if the Chief Medical Officer recommends that it is necessary

(a) to suppress COVID-19 in those who may already have been infected with it,

(b) to protect those who have not already been exposed to COVID-19, or

(c) to break the chain of transmission and prevent spread of COVID-19.

(10) This section comes into force May 1, 2021.

(11) This section is repealed on December 31, 2021.