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'Tis the Season

Now that cold and flu season is upon us, we thought it would be a good idea to revisit Canadians' statutory entitlements to paid and unpaid sick days. Federally regulated employees were recently granted 10 paid sick days per year and Prince Edward Island just introduced Bill 106 (a private member's bill), which if passed, would grant employees up to 5 paid sick days minimum. Time will tell if these changes become a trend across Canada. For now, the following is a summary of the minimum standards for sick day entitlements per calendar year:

Province/Territory	Paid Sick Days	Unpaid Sick Days	Eligibility Requirements
Alberta	None	16 weeks (112 days)	<ul style="list-style-type: none"> • 90 days of employment • Medical certificate • Written notice of leave and estimated return to work date
British Columbia	5 days	3 days	<ul style="list-style-type: none"> • 90 consecutive days of employment
Manitoba	None	17 weeks (119 days) ¹	<ul style="list-style-type: none"> • 90 days of employment • Leave taken in one (1) continuous period² • Physician's certificate³ • Notice of intent to take leave
New Brunswick	None	5 days	<ul style="list-style-type: none"> • 90 days of employment • Notice of the duration of the leave

¹ Entitlement in a 52-week period.

² Unless the parties agree otherwise or a collective agreement provides otherwise.

³ The certificate must provide evidence and indicate that the employee is not able to work for a period of at least two (2) weeks because of serious injury or illness.



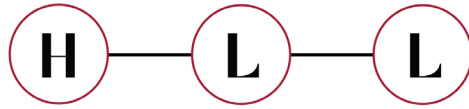
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Newfoundland and Labrador	None	7 days ⁴	<ul style="list-style-type: none"> • 30 continuous days of employment • Medical certificate (if 3 or more consecutive days of sick leave)
Northwest Territories	None	5 days ⁵	<ul style="list-style-type: none"> • Employed by the employer for at least 30 days • Submit a request for sick leave advising of the (expected) duration • If the duration of leave exceeds three (3) consecutive days and the employer requests a medical certificate, the employee must provide it, stating they are incapable of working due to illness or injury.
Nova Scotia	None	3 days	None
Nunavut	None	None	None
Ontario	None	3 days ⁶	<ul style="list-style-type: none"> • 2 consecutive weeks of employment • Employee must advise the employer of the sick leave

⁴ Entitlement in a year.

⁵ Entitlement for each 12-month period.

⁶ If an employment contract provides for something similar to sick leave (i.e. sick days) and the employee takes leave under the employment contract, the employee is considered to have also taken their statutory sick leave.



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Prince Edward Island	1 day ⁷	3 days ⁸	<ul style="list-style-type: none"> • 3 months of continuous employment • Notice of intent to take leave and expected duration
Quebec	2 days	<ul style="list-style-type: none"> • 26 weeks (182 days)⁹ for sickness or accident • 104 weeks (728 days) for injury due to a crime¹⁰ 	<ul style="list-style-type: none"> • Eligible for <u>paid</u> days only after 3 months of uninterrupted service.
Saskatchewan	None	<ul style="list-style-type: none"> • 12 days where illness or injury is not serious • 12 weeks (84 days) where illness or injury is serious¹¹ 	<ul style="list-style-type: none"> • At least 13 weeks of continuous service.
Yukon	None	<p>1 day per month the employee has been employed by the employer, less the number of days on which the employee has previously been absent due to illness or injury.</p> <p>Maximum of 12 days.</p>	None
Federally	<ul style="list-style-type: none"> • 3 days (after 30 days of continuous employment) 	27 weeks (189 days)	<ul style="list-style-type: none"> • Written notice of leave (start date and length of leave)

⁷ Only for employees with 5+ years of continuous service.

⁸ Entitlement for a 12-month period.

⁹ Entitlement in a 12-month period.

¹⁰ Not applicable to employment injuries within the meaning of the [Act respecting industrial accidents and occupational disease](#).

¹¹ Entitlement in a 52-week period. Could be extended to 26 weeks (182 days) of leave if the employee is receiving compensation pursuant to [The Workers' Compensation Act](#).



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	<ul style="list-style-type: none">• 1 day earned at the beginning of each month after the first 30 days of employment• 10 days earned, maximum		<ul style="list-style-type: none">• Employees who take at least 5 consecutive days of paid sick leave may be required to provide medical certificates within 15 days of their return to work.
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The proposed legislation in Prince Edward Island, [Bill 106, An Act to Amend the Employment Standards Act](#) would improve on the current entitlements. Specifically, it proposes:

- 3 days of paid sick leave after 90 days of continuous employment; and
- 2 additional days of paid sick leave after 180 days of continuous employment with the same employer.

Employees can earn a maximum of 5 paid sick days per calendar year, as opposed to the 1 paid sick day they currently receive after five (5) years or more of continuous employment. As of the date of publication, the private members Bill has not passed.

In contrast, employees in Ontario lost some paid leave days this year. As of March 31, 2023, the three (3) days of paid leave for medical treatment related to COVID-19 (including receiving the vaccine or recovering from any side effects) was no longer being provided under the *Employment Standards Act, 2000*.

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