

No time like the present: Provinces mandate paid time off for COVID-19 vaccination

APRIL 27, 2021 2 MIN READ

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As provinces begin to vaccinate a larger portion of the workforce, governments are faced with how they will incentivize mass vaccination. An increasing number of provincial governments have amended their employment standards legislation to allow paid time off for employees seeking to be vaccinated. Saskatchewan was the first of the provinces to require employers to provide paid time off for vaccination, requiring that employees receive a minimum of three consecutive hours paid leave. The British Columbia government followed suit, and effective April 19, 2021, employers in British Columbia are now required to provide three hours paid time off for COVID-19 vaccination. Similarly, effective April 21, 2021 employers in Alberta are also now required to provide three hours of paid vaccination leave.

In British Columbia, such leave is not limited to situations where the employee alone is being vaccinated. Employers must provide the time off for employees to be vaccinated or to assist with the vaccination of a dependent. Dependents for the purposes of the vaccination leave include the employee's children, minors under the day-to-day control of the employee, and adults under the day-to-day control of the employee who require the employee's assistance as a result of illness or disability. Dependents may also include individuals:

- whom the employee considers a close relative "whether or not related to the employee by blood, adoption, marriage, or common law partnership";
- who require care as a result of illness or disability; and
- who are under the employee's day-to-day control.

Employers should make note that this broad definition of dependents is not limited to familial relations.

Alberta and Saskatchewan limit the paid leave to just where the employee is being vaccinated. However, employers should also accommodate reasonable requests by employees for unpaid time off to take their children or any dependents to be vaccinated to avoid potential discrimination liability.

Employees in all three provinces need to provide notice to their employer as soon as possible and reasonable in the circumstances when they are requiring leave for vaccination. Employers can request proof that the employee is entitled to request such leave, such as vaccination appointment confirmation, but cannot inquire into the employee's medical situation or request medical documentation such as a doctor's note to prove the authenticity of the request. Employers should also consider what policies they have in place to allow for such time off. If no existing policies exist, employers should consider how they will accommodate requests for time off for vaccination.

For more information on vaccination leave and related policies, contact a member of the

Labour and Employment team.