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Paid sick leave for all K-12 members

All workers in the province are now provided with five days of paid sick leave off work – including unionized workers under a collective agreement – under new changes to *the Employment Standards Act*, as of March 31, 2022. This means that all K-12 members – including casual, temporary, and probationary workers – should be entitled to paid sick leave, regardless of the language in your collective agreement.

Locals should be aware of the details of this new benefit so they can ensure employers are implementing it properly and are prepared to bring grievances when necessary.

Below are a few key items to be aware of:

- Employees become entitled to the paid leave after 90 days of continuous employment. That calculation is based on time as an employee, rather than number of days worked. So, an employee hired in early September would become eligible for sick leave starting in early December of that year, regardless of how many shifts are worked in that time.
- Each employee is entitled to five paid days per 'calendar year'. Those days are not pro-rated based on when an Employee begins work. So, an employee who is hired in the latter half of a year would still be entitled to the full five days before December 31st.

- Employees who receive an additional percentage of their wages 'in lieu' of benefits are also entitled to paid sick leave and will continue receiving their full 'in lieu' pay.
- Pay for a sick day is calculated based on the average of the employee's earnings over the past 30 days, excluding overtime. Note that this may be different than what an employee would have earned if they had worked their scheduled shift. In some cases, employees may be entitled to more than what they had earned if they worked the shift if, for example, in the last 30 days they had worked longer shifts, had worked in a higher paying position, or earned certain shift premiums. Unions should be ready to examine the amount paid for sick leave to ensure that it is at least the average of what the employee had recently earned.
- Be aware that this calculation for sick pay applies to all employees – including those who had entitlements to paid sick leave under the collective agreement. For the first five sick days in the year, all employees (including regular employees) should be paid either the 'average day's pay' calculation, or the normal pay under the collective agreement – whichever is greater.

If you have questions about this new benefit, please contact your steward or local representative.