



AN EQUITABLE RECOVERY

THE CASE FOR PAID SICK LEAVE AS
A RIGHT OF EMPLOYMENT IN BC



AN EQUITABLE RECOVERY: THE CASE FOR PAID SICK LEAVE AS A RIGHT OF EMPLOYMENT IN BC

September 9, 2021



BC Federation of Labour
5118 Joyce Street
Vancouver, BC V5R 4H1
t: 604.430.1421
bcfed.ca

The BC Federation of Labour represents more than 500,000 members of affiliated unions, working in every sector of the economy and every corner of the province.

The BCFED has a long and proud history of fighting for the rights of all working people.

The goals of the BCFED are best exemplified by the slogan: *"What we desire for ourselves, we wish for all."*

The BC Federation of Labour office is located on unceded x^wməθk^wəyəm (Musqueam), səíl^wətaʔ (Tsleil-Waututh), Skwxwú7mesh (Squamish) territories.



Contents

EXECUTIVE SUMMARY	4
PART 1 INTRODUCTION	7
PART 2 PAID SICK LEAVE AND INEQUALITY	8
COVID-19 infections and inequality.....	9
PART 3 BROAD BENEFITS OF PAID SICK LEAVE	11
Protecting public health and reducing health care costs	11
Boosting economic resilience and productivity.....	12
Paid sick days and small business.....	13
PART 4 PAID SICK LEAVE IN ACTION	15
BC in comparative perspective	16
PART 5 A PLAN FOR BC WORKERS: 10 DAYS OF EMPLOYER-PAID LEAVE	17
Paid sick leave and gig workers	18
PART 6 PUBLIC SUPPORT FOR 10 DAYS OF EMPLOYER-PAID LEAVE.....	19
PART 7 CONCLUSION	22
Appendix: Details of the BCFED plan for permanent paid sick leave.....	23
Endnotes.....	24



Executive summary

IN MUCH OF THE WORLD, the idea that workers should have to choose between going to work sick or losing a badly-needed paycheck is absurd. Yet in British Columbia, that's the choice faced by sick workers every day — because most BC workers don't have access to paid sick leave.

The COVID-19 pandemic brought the need for paid sick leave into sharp relief, with workplaces proving to be a key place for the deadly illness to spread. Workers with COVID-19 symptoms, as well as those required to isolate due to exposure, have had to make the impossible choice between staying home and getting the pay they need for rent, food, and other necessities. And the weight of that choice has fallen more heavily on lower-wage workers, often women and racialized workers.

But while it took the pandemic to spotlight the issue, it's never made sense to force workers to go to work sick, risking their own health as well as that of their coworkers and their families. That's why we've seen a growing wave of support for a robust, universal paid sick leave program as a key part of an equitable economic recovery.

It's never made sense to force workers to go to work sick, risking their own health as well as that of their coworkers and their families.

BC Premier John Horgan voiced his support for paid sick leave early in the pandemic. In response, Justin Trudeau promised federal action — but he delivered only a disappointing temporary partial measure, the Canada Recovery Sickness Benefit. Public pressure for genuine paid sick leave has continued to mount.

In May 2021, the BC government responded to public calls led by the labour movement and legislated a permanent paid sick leave program to begin in January 2022 under the *Employment Standards Act*. The province is now consulting with the public as well as business over how that program will work: including qualifying requirements, benefit levels and funding.

This report is our contribution to that discussion. We've looked at the evidence from BC and elsewhere, drawing on public health, economic and other published literature, as well as the real-life experience of programs in jurisdictions around the world. This research and experience confirm that paid sick leave should be a right of employment for all workers — one that protects society from broader contagion

and illness, and benefits and helps not only workers and their families, but businesses of all sizes as well.

KEY HIGHLIGHTS

This report outlines key evidence for paid sick leave. We focus on four key pillars, establishing that paid sick leave...

- **...protects public health:** We are all safer when sick workers can stay home. Paid sick days help contain infectious disease, reduce health care costs, and limit the spread and scale of transmission during a pandemic.
- **...reduces inequality:** The pandemic has made inequality worse; paid sick leave will help reduce it. Nearly nine in 10 low-wage workers — predominantly women and racialized workers — and 53% of all workers in BC currently have no paid sick leave. Higher-income workers are much more likely to have it.
- **...works:** Legislated employer-paid sick leave coverage is scant across Canada. But BC lags badly behind other jurisdictions like Sweden (14 days) and Germany (six weeks) ... and even to comparable-sized jurisdictions like Washington State (52 hours) and New Zealand (10 days).
- **...makes sense for business:** In addition to helping avoid the economic devastation from large-scale shutdowns during pandemics, paid sick days reduce employee turnover and workplace injuries and increase worker productivity.



Based on this evidence, the report outlines a proposal that would provide up to 10 days of employer-paid sick leave to every worker, whether full-time or part-time, temporary, or permanent, regardless of their immigration status. There is widespread public support for 10 days of employer-paid sick leave according to new public opinion research from Research Co. published in this report. Key findings of that research include:

- Practically nine in 10 British Columbians (89%) agree that businesses have a responsibility to provide paid sick leave, including 58% who “strongly agree.”
- More than four in five British Columbians (86%) support the proposal for 10 employer-paid sick days in BC, while eight percent are opposed and five percent are undecided.
- Eighty per cent of British Columbians support 10 or more days. Just over three in five British Columbians (62%) see 10 says as the right amount, while 18% see it as too few.
- Three in four British Columbians (76%) think BC’s sick leave program should cover part-time and casual workers, including 44% who say it should “definitely” consider this option. Only 17% of British Columbians think BC’s sick leave program should not cover part-time and casual workers, and only cover full-time workers.
- Support is consistent across the political spectrum, as well as income levels, geography, age, gender and other key demographics. Importantly, support is also consistent between those who have access to paid sick leave already and those that don’t.

Policy makers around the world already understand what many in BC and the rest of Canada are only now coming to realize: Paid sick leave is a fundamental part of how we build a strong and equitable economy and safeguard public health. It is more than just a workplace issue; it’s essential to public health, and key to a resilient province and workforce that is ready to weather the ongoing pandemic and confront future crises. But most of all, it’s a simple matter of equity and fairness, and never forcing workers to choose between their health and their financial well-being.

Paid sick leave is a fundamental part of how we build a strong and equitable economy and safeguard public health.



Introduction

THE COVID-19 PANDEMIC has demonstrated the urgent need for paid sick leave. From care homes to construction camps, from meat processing plants to restaurants, workplaces of all kinds have been hit by outbreaks — and thousands of workers have brought this life-threatening disease home to their families. According to WorkSafeBC, workplaces have been hot spots for disease transmission with nearly 4,000 exposure claims by workers allowed as of July 31st.¹ And while public health guidance calls for workers to stay home when they're sick or have been exposed, far too many workers in BC live paycheque to paycheque.² Lacking the basic protection of paid sick leave means sick workers must choose: either risk their health and the health of others, or give up the income they rely on to make ends meet.

Prior to the pandemic, BC was the only province in the country with no protection for sick workers enshrined in employment law. On March 23, 2020, the BC government amended the *Employment Standards Act* to ensure workers who contract COVID-19, need to self-isolate, or need to care for others as a result of the pandemic would be entitled to unpaid leave without losing their jobs. It also permanently enshrined three days of *unpaid* job-protected leave.

In May 2021, following significant public pressure, the BC government instituted a temporary measure: three days of paid sick leave for COVID-19-related reasons until the end of 2021. Employers who do not have a paid sick leave plan in place can claim up to \$200 per day for paid sick leave expenses. The BC government also committed to a consultation process to develop a permanent paid sick leave entitlement that will take effect on January 1, 2022. That consultation is currently under way and a permanent plan will be established through regulation in the fall of 2021.

In developing a regulation for permanent paid sick leave, it's essential that BC not only learn the public health lessons of the pandemic, but also address the needs of workers and, in particular, the existing inequities the pandemic exacerbated. As this report demonstrates, there is a sound public health and economic resiliency rationale for instituting a robust paid sick leave program. In fact, paid sick leave is a commonplace entitlement for workers in jurisdictions around the globe. But there is a strong moral case for action as well: no one should have to choose between their health or the health of their family and the income they need to care for their loved ones.

No one should have to choose between their health or the health of their family and the income they need to care for their loved ones.

Paid sick leave and inequality

THE PANDEMIC HAS DEEPENED economic racism and broader economic and gender inequality across the country.³ In BC, the lack of access to paid sick leave for workers plays an important role in amplifying those inequities.

At a baseline, there are already far too many workers struggling to make ends meet. According to a recent study by the Canadian Centre for Policy Alternatives, in February 2021, 22% of British Columbians aged 15 to 69 found it “difficult” or “very difficult” to meet basic financial commitments over the previous month.⁴ This increases sharply to nearly a third of racialized British Columbians, compared to 17% of their non-Indigenous, non-racialized peers.

Evidence compiled by BC labour and economic researchers Iglia Ivanova and Kendra Strauss paints a grim picture of the inequitable access sick workers have to paid leave.⁵ While many unionized workers have access to some form of sick leave through their collective agreements, and some workers without union representation as a benefit from their employer, more than half of all BC workers (53 %) aged 25 to 65 have no access to paid sick leave.⁶ And even for those who do have it, it may only amount to a handful of days.

Access to paid sick leave correlates with income: lower-income British Columbians are much less likely to have it than workers higher up on the income scale. In other words, those least likely to be able to afford to miss work have the least access to this basic protection.

The correlation of low income with lack of access to paid sick leave heightens other inequities.

Ivanova and Matulewicz found that 81% of workers earning under \$40,000 per year, and 89% of workers earning under \$30,000 per year, don’t have any paid sick day coverage whatsoever.⁷

The correlation of low income with lack of access to paid sick leave heightens other inequities. The systemic devaluing of labour primarily provided by women — such as caregiving, cashiers, cleaning and restaurant service — means those jobs are chronically underpaid and under-protected. So, it’s sadly predictable that women account for 64% of the workers in BC in low-income occupations (those earning less than \$40,000 per year) with limited access to paid sick days. Paid sick leave also correlates with immigration status; those without permanent status

are much less likely to have access to paid sick days.⁸ Here again, women make up 58% of non-citizen workers without paid sick day coverage. Yet for women, the need for sick leave tends to be much greater, owing to their larger share of caregiving and domestic labour. In 2020, full-time Canadian women workers took an average of 14.3 days off work, compared to 9.6 days among men.⁹

These inequities are widened by the fact that low-wage workers are disproportionately women and racialized workers whose jobs are more likely to be in proximity with other workers, and to have frequent contact points with the public. “Canadian research has shown that workers in high-risk settings — food handling, long-term care and childcare — will continue to work when ill when they cannot afford to take time off.”¹⁰ Further, casual, more precarious workers are frequently left out of paid sick leave programs. Over 90% of those with short-term employment contracts (less than a year) or in casual/on call positions do not have access to paid sick leave in BC.¹¹ Workers outside of Metro Vancouver are also less likely to have access to paid sick days, as are those working in any of the manufacturing, construction, trades, transport, fishing, farming, or natural resources industries.

Finally, consider the effect of paid sick leave — and its absence — on people with disabilities, specifically people in immunocompromised states or who live with other factors increasing their risk of infection. Workers with disabilities, already experiencing inequities in both employment and the health system, are more likely to work in jobs without paid sick leave.¹² When working parents don’t have access to paid sick leave, they may go to work themselves, exposing immunocompromised coworkers to infection. But the impact doesn’t end in the workplace. Those same parents are more likely to send their children to school, potentially exposing children who are at higher risk as well.¹³



COVID-19 INFECTIONS AND INEQUALITY

The lack of paid sick leave for lower-income workers — who already face the most severe insecurity in employment and income — is an important factor when considering the inequitable impact of COVID-19 itself. BC, unlike other provinces, has not released race-based data on COVID-19 infections, illness, and mortality.¹⁴ Nevertheless, leaked area-based data from the BC Ministry of Health reveals that in eight of the 13 communities across BC with the highest COVID-19 case rates, people of South Asian descent make up at least one-third of the population.¹⁵ In fact, *every community in the Fraser Health region with a significant population of people of South Asian descent* is included in the list. The leaked data made clear that lower-income communities of colour were being disproportionately impacted in BC, due in part to their work in frontline industries where they faced greater risk of exposure.¹⁶

Racialized workers are also more likely to lack generational wealth, work in front-line or public-facing employment, live in multi-generational homes, and experience negative impacts of social determinants of health. Thus, neglecting to legislate paid sick leave means increased (and preventable) transmission of illness among these same workers, and higher mortality rates among racialized people.

These grim statistics make three things clear. First, the lack of universal and adequate paid sick leave coverage is exacerbating inequalities. Second, a robust, *universal* sick leave program would eliminate this imbalanced access to paid sick days. It would promote broader income security and create a more equitable foundation for a worker-focused recovery.

And third, the more robust the paid sick leave program is, the greater the impact on equity. A program that offers only a handful of days will do nowhere near as much to close the gaps we identify here as one that offers an ample number of sick days and ensures their universal availability. It's a policy that will help the BC government meet its stated commitment to tackle systemic discrimination and reduce the barriers facing racialized and marginalized people in their workplaces.¹⁷

Neglecting to legislate paid sick leave means increased and preventable transmission of illness among these same workers, and higher mortality rates among racialized people.



Broad benefits of paid sick leave

BC HAS EXPERIENCED FIRST-HAND what the rapid spread of illness can mean: school and business closures, economic destabilization, growing inequality and poverty, and—most distressingly—preventable death. Without adequate, universal paid sick leave, the people, public health system, and economy of British Columbia are susceptible to pandemics and other public health crises.

In addition to reducing inequality, there is robust evidence for the benefits of paid sick leave from a public health, economic resiliency, and productivity perspective. This section summarizes that research, drawing key insights the BC government must consider in its design of a permanent program.

PROTECTING PUBLIC HEALTH AND REDUCING HEALTH CARE COSTS

The strain of the pandemic on BC's public health system and workers is well known.¹⁸ Evidence confirms that when workers go to work sick, they in turn put colleagues, patrons, and the broader public at risk of infection, leading to increasing rates of infection and morbidity.¹⁹ It's a fact backed up by the data on workplace exposures released by WorkSafeBC,²⁰ and exposure in workplaces across Canada.²¹

Paid sick leave helps to limit the spread and scale of transmissible disease and in turn reduce health care costs. For influenza, for example, paid sick day policies have been proven to reduce the spread of disease (including to the ill worker's colleagues) by increasing the rate at which workers stay home when sick.²² Workers without paid sick days are 150% more likely to go to work with a contagious illness.²³ Those who stay home when sick recover more quickly and access medical care more promptly, preventing more serious and costly illness.²⁴ It is no wonder the Public Health Agency of Canada has encouraged sick leave policies that "enable employees to stay home when ill."²⁵

Those who stay home when sick recover more quickly and access medical care more promptly, preventing more serious and costly illness.

A recent report and literature review from the Decent Work and Health Network brings together more evidence of the health benefits and cost savings of paid sick leave in the health care system:²⁶

- In the United States, cities with legislated paid sick days saw a 40% reduction in influenza rates during flu waves compared to cities without paid sick day legislation.
- Paid sick days for food service workers was associated with a 22% decline in food-borne illness rates.
- A correlation between paid sick leave policies and reduced likelihood of respiratory and gastrointestinal disease outbreaks.
- Workers without paid sick days are three times more likely to delay or forego medical care.
- Workers with paid sick days have higher rates of critical preventive cancer screening, including for breast, colon, and cervical cancer.
- Paid sick days increase administration of vaccine doses and decrease care-seeking health care visits.

Research has also found that paid sick leave can improve maternal health, reduce infant mortality, and increase the number of women in the workforce.²⁷ Another study involving almost 13,000 working adults in the US found that those working with paid sick leave reported falling asleep more easily at bedtime and remaining asleep longer than workers without paid sick days.²⁸ Better sleep reduces the likelihood of accidents and injuries at work, therefore increasing productivity, to the ultimate benefit of the employer.

Taken together, the evidence for instituting robust permanent sick leave is overwhelming. It will help prevent illness and save lives during the fourth wave of this pandemic and give BC a head start in limiting transmissions in any future pandemic. And it also creates spillover benefits for population health leading to reduced health care costs, while improving the bottom line for employers.



BOOSTING ECONOMIC RESILIENCE AND PRODUCTIVITY

The damage and dislocation from broad economic shutdowns during the pandemic have affected people the world over, hurting the livelihoods and well-being of workers and communities. In BC it led to unprecedented job losses — losses felt disproportionately by lower-wage and precarious workers, who are also now experiencing a slower recovery.²⁹ Limiting the need for future shutdowns is reason enough to bring in ample and universal paid sick leave. But there are also direct economic benefits for employers that far outweigh the costs.

Take for example worker turnover and productivity, two significant factors in labour costs. Healthier workers are more productive. For example, evidence shows that going to work sick results in more mistakes being made and a higher risk of injury, while workers with paid sick days are 28% less likely to get injured at work.³⁰ Conversely, businesses with paid sick leave can realize substantial savings through a decrease in worker turnover. One study showed a 25% drop due to paid sick leave, even when controlling for other factors.³¹

Opponents of paid sick days, particularly employers, often cite concerns over excessive absenteeism or fraud, but these concerns aren't supported by the evidence.

Two recent studies show that, contrary to fears over the misuse of sick days, workers use them appropriately and as intended, returning to their jobs more quickly, healthier and with lower levels of chronic illness. A study from San Francisco's recent paid sick leave ordinance found that "despite the availability of either five or nine sick days under the [Paid Sick Leave Ordinance], the typical worker with access used only three paid sick days during the previous year..."³²

In a study of New York's paid sick leave program, an employer survey found "fully 98 percent of respondents reported no known cases of abuse [of paid sick days] and only 0.3 percent reported more than three cases." Furthermore, smaller employers (those with less than 50 employees) reported "no abuse or a negligible amount."³³

An excessive focus on these misplaced concerns ignores the very real threat of what has been coined "presenteeism": where workers, despite illness and the need to rest and recover, show up at work and in turn spread illness to coworkers and the public.³⁴ Presenteeism leads to even more work absences that hit the business bottom line.

Moreover, workers who are denied paid sick leave see reduced productivity, take longer to recover from illness, and have less satisfaction at work.³⁵ These are not abstract costs for business. Indeed, the cost of presenteeism in lost productivity is far higher than absenteeism — up to 10 times higher, according to studies in the US.³⁶

Finally, paid sick leave leads to healthier workers, mentally as well as physically. Workers with paid sick leave experience lower levels of psychological distress than those without.³⁷ While paid sick days are no replacement for compensation due to workplace injury, psychological or otherwise, they can serve as an important safety net — and help remove what could otherwise be an enormous source of stress.

Contrary to fears over the misuse of sick days, workers use them appropriately and as intended, returning to their jobs more quickly, healthier and with lower levels of chronic illness.

PAID SICK DAYS AND SMALL BUSINESS

In May 2021, dozens of small BC businesses signed onto an open letter from a diverse group of employers supporting paid sick leave.³⁸ The letter called on Premier John Horgan to enshrine permanent paid sick leave as an entitlement in the *Employment Standards Act*. That letter dispels a common misconception frequently wielded by business lobby groups: that small businesses are opposed to mandating paid sick leave because it will be economically ruinous.³⁹ The evidence simply does not support this claim.

Many small businesses support paying for paid sick leave, just as many support living wages and other worker rights and entitlements. Section 4.0 of this report shows that employer-paid sick leave is the norm in jurisdictions around the world, where it applies to all employers, including small businesses. That speaks to a crucial advantage of mandating paid sick leave: it creates a level playing field for all employers, large and small.

COVID-19 and other transmissible illnesses do not discriminate based on workplace size, and requirements for paid sick leave shouldn't either. Only a handful of jurisdictions in the United States vary paid sick leave requirements according to firm size.⁴⁰ And recent evidence from US jurisdictions tells a compelling story about the negligible impact mandatory paid sick day requirements have on the small business bottom line.

COVID-19 and other transmissible illnesses do not discriminate based on workplace size, and requirements for paid sick leave shouldn't either.



In a study of the San Francisco paid sick leave ordinance implemented in 2007, for example, two-thirds of employers supported the new law, and profitability did not suffer for six out of seven.⁴¹

Another survey of small employers in New York found that the impacts were far more modest than opponents had feared: businesses saw minimal impacts to their costs and adapted easily.⁴² A year and a half after the 2013 paid sick days law took effect there, the vast majority of employers (almost 85%) "reported that the new law had no effect on their overall business costs, and a few (less than two percent) reported a decline in overall costs."⁴³

All of that said, the extraordinary impact of the pandemic and associated restrictions has meant hardship for many small businesses. The BC and Canadian governments have provided a range of supports to help them, including the federal wage subsidy, and an array of targeted grants, tax relief and loans.

Paid sick leave in action

AS MANY AS 145 COUNTRIES require some form of paid sick leave for workers.⁴⁴ More than 100 of these countries stipulate one month or more of leave, and 33 countries stipulate 11 to 30 days, with varying ranges of wage replacement.









Canada does provide sickness benefits — through employment insurance — of up to 15 weeks, though several political parties are promising to lengthen it in the 2021 election. That application-based benefit, however, has a one-week waiting period, requires 600 insured hours of work for a worker to qualify, and only covers 55% of earnings up to a maximum of \$595 per week.⁴⁵ Under the *Canada Labour Code*, federal employees and workers in federally-regulated industries are entitled to five days of personal leave including sick leave, but only three of the days are paid.⁴⁶ Both the federal NDP,⁴⁷ and Liberals,⁴⁸ have committed to increasing that to 10 days of paid sick leave in their election platforms. Even if implemented, this policy would leave out most workers in BC, since employment standards for many sectors are under provincial jurisdiction. BC currently provides a paltry three days of unpaid, permanent job protected leave for those not in federally regulated sectors.

When it comes to genuine paid sick leave for workers — where a worker who wakes up with symptoms can call in sick and not lose their pay — BC has fallen well behind the pack. In most jurisdictions, short-term sick leave is the responsibility of employers and a right for workers. A 2018 analysis of policies in OECD countries showed employers are responsible for paying the first two weeks of sick leave in 19 of 34 countries;⁴⁹ New Zealand recently became the 20th, doubling its employer-paid leave allotment. The others include Spain, Norway, Slovakia, Australia, Belgium, Czech Republic, Finland, and Norway, all with two weeks of coverage. Danish employers are required to provide full wages for four weeks, German employers six weeks and Dutch employers for two *years*. None of these countries have exemptions for smaller firms.

Yet another evaluation showed that, out of the 22 countries ranked highest for economic and human development, Canada is one of only five where employers are not required to pay for paid sick leave for short-term illness.⁵⁰ Comparable-sized sub-national economies to BC, like Washington State and San Francisco, have employer-paid sick leave, too.

In most jurisdictions, short-term sick leave is the responsibility of employers and a right for workers.

BC IN COMPARATIVE PERSPECTIVE

	Jurisdiction	Number of Paid Days	Payment	Employer Paid (Y/N)
	British Columbia	0	\$0	No
	Canada (federally-regulated sectors)	3	Full wage	Yes
	Washington State ⁵¹	6.5	Full wage	Yes
	San Francisco ⁵²	5 or 9	Full wage	Yes, with exceptions
	New Zealand ⁵³	10	Full wage	Yes
	Australia ⁵⁴	10	Full wage	Yes
	Sweden ⁵⁵	14	80% of wage	Yes
	Germany ⁵⁶	30	Full wage	Yes



Out of 22 countries ranked highest for economic and human development, Canada is one of only five where employers are not required to pay for paid sick leave for short-term illness.

A plan for BC workers: 10 days of employer-paid leave

THE GOVERNMENT OF BC is seeking input on its permanent sick leave program. Based on the evidence outlined in this report, the BCFED has identified five key principles for its design:

- **FULLY PAID** — When a worker wakes up feeling sick, they can stay home and receive their full wage or hourly rate of pay. Full wage replacement ensures there is no penalty to being sick and removes the economic barrier to putting personal and public health first. This is particularly important when considering the disproportionate number of low-wage workers — those with the least income security — who will benefit from paid sick leave.
- **UNIVERSAL** — A solution that applies to full-time, part-time, casual, temporary and term specific workers, regardless of immigration status or employment sector. This should include action to address the misclassification of gig economy workers as independent contractors to ensure broad coverage. Leaving some workers without sick leave coverage creates gaps in public health protection and prevents the limiting of contagion and spread of illness. It is also discriminatory, creating different classes of workers. Everyone benefits when all sick workers can stay home.
- **SEAMLESS** — A program paid for and immediately available through employers with no disruption, application process or delays. Barriers to paid sick leave use — like application processes, waiting periods, and reimbursement — discourage its use. Ease of access and administration are vital to ensuring people who wake up with symptoms have the financial peace of mind to stay home.
- **PROTECTED** — Workers must not receive any penalty or retaliation for using sick days, and use of sick days must not be allowed to reflect negatively in worker evaluations. Sick leave should be enshrined as an employment right for workers, as it is in jurisdictions around the world.
- **AMPLE** — Workers should have access to 10 days of leave per year: three days at the outset of employment with the ability to accrue an additional seven days based on hours worked. Ten days is a common standard across the OECD for employer-paid sick leave. Ten days also helps bridge workers to access Employment Insurance Sickness Benefits. Additional days should be available during pandemics and other public health crises to account for public health requirements like quarantining.


The full details of the BCFED plan can be found in the Appendix.

PAID SICK LEAVE AND GIG WORKERS

In British Columbia, gig and platform workers are in limbo as to whether they are captured by BC's sick leave protections in the *Employment Standards Act*. Currently, many employers insist their workers fall outside of employment standards protection as independent contractors. Our experience is that these workers in most cases have been misclassified; they are in fact employees entitled to employment rights and protections. Though BC Minister of Labour Harry Bains clearly stated that ride hailing companies are not exempt from BC's labour laws,⁵⁷ there has been no clear direction from the Employment Standards Branch itself on whether on-demand workers for Uber, Lyft and other platform-based businesses are covered. Workers have been left to file individual complaints and, with current delays, will wait more than a year to hear back from the Branch.

While BC workers wait, gig and platform workers elsewhere are winning employment protection all around the globe. Independent contractor misclassification has been reversed through court cases and government policy. Spain brought in a law recognizing gig economy drivers as employees.⁵⁸ A Supreme Court decision in the UK recognized employment rights for gig workers,⁵⁹ and President Biden removed a Trump-era federal policy that excluded many workers from employment protections.⁶⁰

These workers have and continue to put themselves at risk in BC. They are rightfully entitled to employment protections and paid sick days. A sick leave plan will not be effective if it is not truly universal and leaves thousands of workers out: the new plan must also apply to on-demand workers and others whose jobs are clearly organized by and dependent on these major platform businesses.



**A sick leave plan
will not be effective
if it is not truly
universal and
leaves thousands
of workers out.**

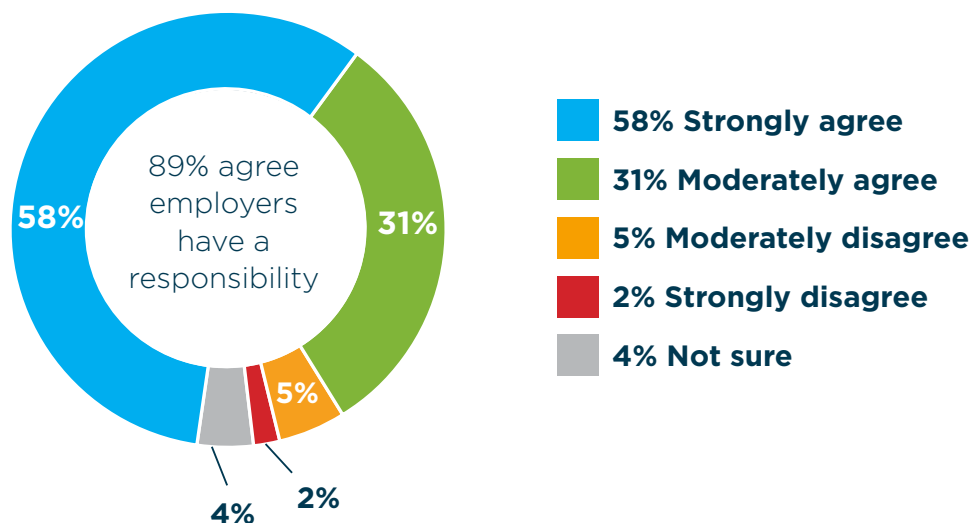
Public support for 10 days of employer-paid leave

THERE IS STRONG PUBLIC SUPPORT for permanent, employer-paid sick leave in BC. This support is captured in new public opinion research conducted by Research Co. between August 18 and 20, 2021.⁶¹

Nearly nine in 10 British Columbians (89%) agree that businesses have a responsibility to provide paid sick leave to their employees, including 58% who strongly agree. As the BC government weighs options and models for implementing permanent paid sick leave, this is clear evidence that British Columbians see paid sick leave as an employer responsibility.

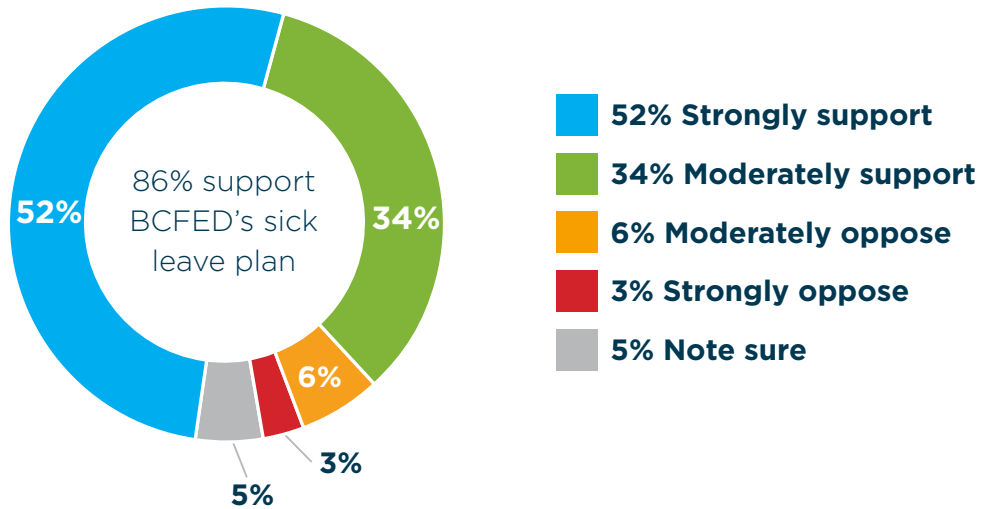
As the BC government weighs options and models for implementing permanent paid sick leave, this is clear evidence that British Columbians see paid sick leave as an employer responsibility.

BUSINESSES HAVE A RESPONSIBILITY TO PROVIDE PAID SICK DAYS



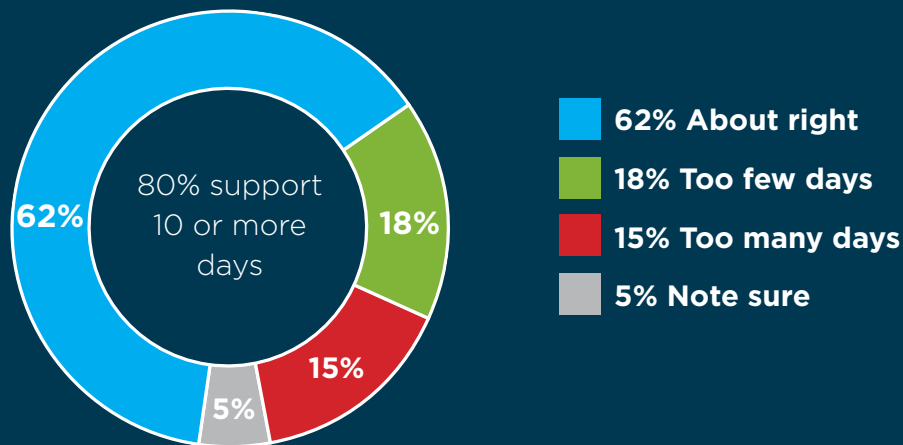
When asked more specifically about an option for BC, more than four in five British Columbians (86%) support the BCFED proposal for 10 employer-paid sick days, where workers start off with three days each year and then gain up to seven additional days depending on how much they work through the year. Only eight percent are opposed, and five percent are undecided.

SUPPORT FOR BCFED'S 10-DAY, EMPLOYER-PAID SICK LEAVE PLAN



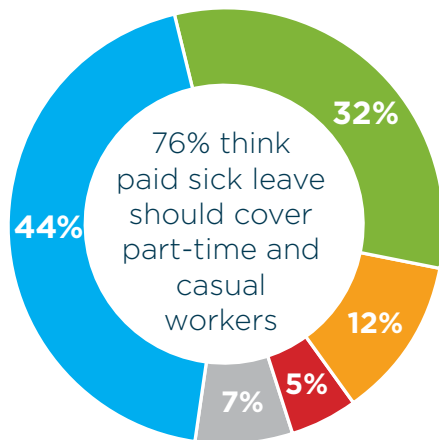
When asked to consider the appropriate length for a sick leave program, 80% of British Columbians support 10 or more days. Just over three in five British Columbians (62%) see 10 days as the right amount, while 18% see it as too few. Only 15% think 10 is too many days. Only 15% think 10 is too many days. Only 15% think 10 is too many days. Only 15% think 10 is too many days.

BRITISH COLUMBIANS' VIEWS ON WHETHER 10 DAYS IS THE "RIGHT" AMOUNT OF PAID SICK DAYS



The research also investigated which workers British Columbians believe the permanent paid sick leave program should cover. Three in four British Columbians (76%) think it should cover part-time and casual workers, including 44% who say it should “definitely” consider this option. Only 17% of British Columbians think BC’s sick leave program should not cover part-time and casual workers, and only cover full-time workers. These are important findings as government weighs program design. As this report has shown, public health, equity and fairness demand a sick leave program without exemptions.

SUPPORT FOR UNIVERSAL COVERAGE OF PAID SICK LEAVE FOR BC WORKERS

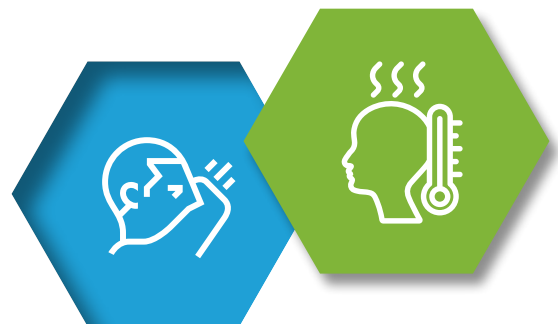


BC’s sick leave program should...

- 44%** **Definitely** cover part-time and casual workers, as well as full-time workers
- 32%** **Probably** cover part-time and casual workers, as well as full-time workers
- 12%** **Probably not** cover part-time and casual workers, and only cover full-time workers
- 5%** **Definitely not** cover part-time and casual workers, and only cover full-time workers
- 7%** **Note sure**

One of the most telling findings of the research is that public opinion remains consistent across all key demographics.⁶² There is little variation in the levels of support across political party lines, income levels, geography, age, or gender. Importantly, support is also consistent between those who have access to paid sick leave already and those that don’t. Taken together, the results offer a remarkably strong and broad political mandate for the BC government to move forward with 10 days of universal, employer-paid leave.

Taken together, the results offer a remarkably strong and broad political mandate for the BC government to move forward with 10 days of universal, employer-paid leave.



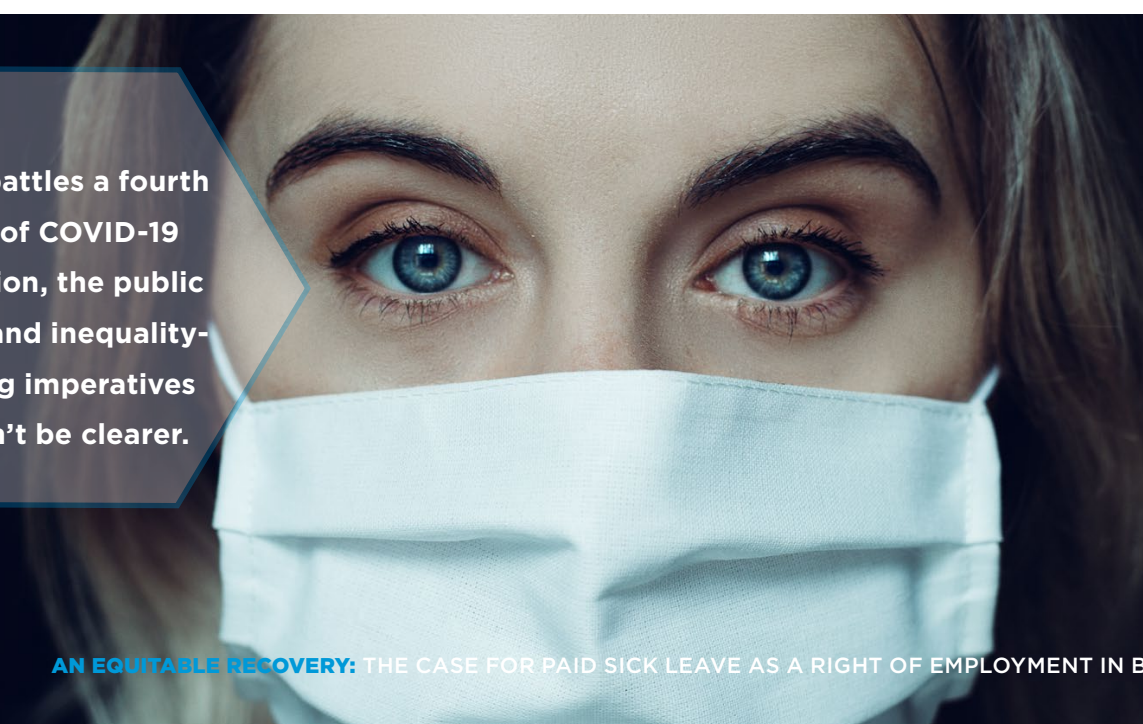
Conclusion

THE PANDEMIC has made the public health and economic case for paid sick leave in BC stronger than ever. It has never made sense to go to work sick. The BC government has rightly put an emphasis on equity and inclusive growth as key values informing their vision for economic recovery. This report has demonstrated how a robust, universal, employer-paid sick leave program would provide an important inequality-fighting foundation to any recovery.

As BC battles a fourth wave of COVID-19 contagion, the public health and inequality-fighting imperatives couldn't be clearer. Without paid sick days, workers are left with an impossible choice: either break public health directives or fail to care for themselves and their families. Today, workers are forced to live each day with a constant current of anxiety knowing that falling ill means losing income.

BC has an historic opportunity to put that choice to rest for good and learn the hard lessons from this pandemic. By enshrining 10 days of employer-paid sick leave as a right of employment for every worker, BC cannot only establish an enduring and appropriate legacy for future generations of workers, but also lead the country.

What's needed now is political will.



As BC battles a fourth wave of COVID-19 contagion, the public health and inequality-fighting imperatives couldn't be clearer.

APPENDIX: DETAILS OF THE BCFED PLAN FOR PERMANENT PAID SICK LEAVE

The BCFED is calling on the BC government to enact employment standards legislation and regulation based on the following principles:

1. Require employers regardless of firm size to provide all employees (including full-time, part-time, term specific, temporary and casual) with up to 10 days of paid sick leave annually at 100% of salary or hourly rate of pay as follows:
 - i. Equivalent of three days of paid leave upon hire and at the start of each work anniversary; and
 - ii. An additional one hour of paid sick leave for every 35 hours worked (including paid time on vacation or other statutory leaves), to a maximum of 52 hours of additional leave annually.⁶³
2. Require employers to provide sick leave at the workers' full regular pay. For workers whose pay varies, an averaging formula may be applied.
3. Ensure that the first three days of paid sick leave entitlement is available immediately upon hire with no waiting or qualification period.
4. Ensure that workers can carry over unused paid sick time to the following year to a maximum of 10 days.
5. Ensure employees rehired within 12 months will have their sick leave entitlement reinstated.
6. To ensure broad coverage for workers, mandate that workers are considered employees unless the employer can prove otherwise and implement an ABC test similar to the State of California⁶⁴ to clearly identify workers who are excluded from employment rights.
7. Prohibit discrimination against casual and part-time workers who call in sick by offering fewer shifts or hours.
8. Prohibit employers from requiring workers to provide a doctor's medical note to access sick leave, so there is no unnecessary burden on the health care system.
9. For longer term sick leave, permanently require employers to provide job protected leave for the duration of federal Employment Insurance Sickness Benefits.
10. Ensure sick leave covers both illnesses and absences due to non-workplace injuries.
11. Ensure employers cannot ask workers to use sick leave in place of filing a worker's compensation claim for a workplace injury. In addition, ensure any use of paid sick days by a worker due to a workplace injury are reinstated once a Workers' Compensation Board claim is accepted.

In addition, and recognizing the gendered impacts of policy that the BC government considers under its GBA+ analysis:

1. Make the current statutorily required five days for family responsibility leave paid so workers can take time to care for an ill family member without impacting their access to their own paid sick leave.

ENDNOTES

- 1 WorkSafeBC. COVID-19 claims data. worksafebc.com/en/covid-19/claims/covid-19-claims-by-industry-sector. Accessed August 20, 2021.
- 2 BDO Affordability Index 2020. debtssolutions.bdo.ca/our-people/bdo-in-the-news/bdo-affordability-index-2020/. Accessed August 20, 2021.
- 3 See: The Canadian Women's Foundation, et al. *Resetting Normal: Women, Decent Work and Canada's Fractured care Economy*. July 2020 canadianwomen.org/wp-content/uploads/2020/07/ResettingNormal-Women-Decent-Work-and-Care-EN.pdf; Arjumand, Dr. Siddiqi et al., "Addressing Economic Racism in Canada's Pandemic Response and Recovery." 11 February 2021.
- 4 Ivanova, Iglia. *Inequality, employment, and COVID-19: Priorities for fostering an inclusive recovery in BC*. Canadian Centre for Policy Alternatives – BC Office. July 2021.
- 5 Ivanova, Iglia, and Kendra Strauss. "Paid sick leave finally on the agenda: Here's why it matters." *Policynote*. 27 May 2020.
- 6 Ibid.
- 7 Ivanov, Iglia and Kaitlyn Matulewicz. "To reduce gender inequality, introduce paid sick leave." *Policynote*. 9 March 2021.
- 8 Ibid.
- 9 Statistics Canada. Table 14-10-0190-01 Work absence of full-time employees by geography, annual, inactive.
- 10 Decent Work and Health Network. *Before it's too late: How to close the paid sick days gap during COVID-19 and beyond*. d3n8a8pro7vnmx.cloudfront.net/dwhn/pages/135/attachments/original/1604082294/DWHN_BeforeItsTooLate.pdf?1604082294 9 August 2020. 6.
- 11 Ivanova, Iglia, and Kendra Strauss. "Paid sick leave finally on the agenda: Here's why it matters." *Policynote*. 27 May 2020.
- 12 Ontario Decent Work and Health Network.
- 13 Ibid, 9.
- 14 Fagan, Emily. "Race-based data crucial in combatting COVID-19, experts say." *The Globe and Mail*. 15 August 2021. theglobeandmail.com/canada/british-columbia/article-race-based-data-crucial-in-combatting-covid-19-experts-say/.
- 15 Basu, Brishti. "New Data Shows Harsh Impacts of COVID-19 on BC's South Asian Population." *The Tyee*. 26 April 2021. theyee.ca/News/2021/04/26/New-Data-Harsh-Impacts-COVID-BC-South-Asian-Population/.
- 16 Smart, Amy. "Superintendent notes inequality as Surrey school district adds targeted COVID measures." *CBC News*. 15 March 2017. cbc.ca/news/canada/british-columbia/inequality-covid-surrey-1.5949968.
- 17 See mandate letter for the Parliamentary Secretary for Anti-Racism Initiatives: www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/singh_mandate_2020_jan.pdf.
- 18 Wyton, Moira. "Hospitals Face Crisis, BC Must Toughen COVID Restrictions: Experts." *The Tyee*. 18 August 2021. theyee.ca/News/2021/08/18/Hospitals-Face-Crisis-BC-Must-Toughen-COVID-Restrictions/.
- 19 Heymann, Jody, and Mark Daku. "Ensuring equitable access to sick leave." *Canadian Medical Association Journal*, Vol. 186, Issue 13, pg. 975-976. Canadian Medical Association, 2014. CMAJ. 2014;186(13):975-976. doi:10.1503/cmaj.131841.
- 20 WorkSafeBC. COVID-19 claims data. worksafebc.com/en/covid-19/claims/covid-19-claims-by-industry-sector.
- 21 Loreto, Nora. "The superspreader events that governments let happen." *Macleans*. 16 April 2021.
- 22 Piper, Kaitlin, Ada Youk, A. Everette James III, and Supriya Kumar. "Paid sick days and stay-at-home behavior for influenza." *Plos One: Health and Healthcare in Gender Diverse Communities*. 2 February 2017.
- 23 National Partnership. "Paid sick days improve public health." nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-improve-our-public-health.pdf.

- 24 Sandner, Lydia, Xenia Scheil-Adlung, "Evidence on Paid Sick Leave: Observations in Times of Crisis." *Intereconomics: Review of European Economic Policy*, Vol. 45, Number 5, pg. 313-321.
- 25 Public Health Agency of Canada. "COVID-19: Risk mitigation tool for workplaces/businesses operating during the COVID-19 pandemic." Updated 26 June 2020.
- 26 Ontario Decent Work and Health Network.
- 27 Karstadt, Dylan. "Too Sick to Work? Defending the Paid Sick Leave Movement and the New Jersey Paid Sick Leave Act." *Seton Hall Legislative Journal*. 2019; 4(1).
- 28 Collins, Cyleste, et al. "Paid Sick Leave and Sleep: An Analysis of US Adult Workers." *J Occup Environ Med*. 2020;62(8):566-573.
- 29 Ivanova, Iglia. "Inequality, employment, and COVID-19. Priorities for fostering and inclusive recovery in BC." *Canadian Centre for Policy Alternatives*. July 6, 2021.
- 30 Asfaw, Abay, Regina Pana-Cryan and Roger Rosa. "Paid Sick Leave and Nonfatal Occupational Injuries." *American Journal of Public Health*, Vol. 102, Issue 9, e59-e64. September 2012.
- 31 Milli, Jessica, Jenny Xia and Jisun Min. "Paid Sick Days Benefit Employers, Workers, and the Economy." Institute for Women's Policy Research, Briefing Paper #361. July, 2016. iwpr.org/wp-content/uploads/2021/01/B361.pdf.
- 32 Drago, Robert, and Vicky Lovell. "San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees." Institute for Women's Policy Research. 2021. iwpr.org/wp-content/uploads/2021/02/A138_edited.pdf.
- 33 Applebaum E, Milkman R. "No big deal: The impact on New York City's paid sick day laws on employers." cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf. Published September 6, 2016. Accessed July 3, 2020.
- 34 Aronsson, G., K. Gustafsson and M. Dallner. "Sick but yet at work. An empirical study of sickness presenteeism." *Journal of Epidemiological Community Health*, Vol. 54, Issue 7, pg. 502-509. 2000.
- 35 Ontario Decent Work and Health Network.
- 36 Smith, Sandy. "Presenteeism Costs Business 10 Times More than Absenteeism." *EHS Today*. 16 March 2016; Hemp, Paul. "Presenteeism: At work -- but out of it." *Harvard Business Review*. October 2004. ehstoday.com/safety-leadership/article/21918281/presenteeism-costs-business-10-times-more-than-absenteeism.
- 37 Stoddard-Dare, Patricia, LeaAnne DeRigne, Cyleste C. Collins, Linda M. Quinn, Kimberly Fuller. "Paid sick leave and psychological distress: An analysis of U.S. workers." *American Journal of Orthopsychiatry*, Vol. 88, Issue 1, pg. 1-9. 14 September 2017. pubmed.ncbi.nlm.nih.gov/28910124/.
- 38 Living Wage for Families Campaign. "Over 50 Employers Call On Premier Horgan to Bring In Paid Sick Leave." May 7, 2021. livingwageforfamilies.ca/open_letter_to_premier_horgan.
- 39 Example: Fletcher, Tom. "B.C. businesses 'can't shoulder burden' of COVID-19 sick day." *Victoria News*. 28 May 2020.
- 40 Heymann, Jody, et al. "Protecting health during COVID-19 and beyond: A global examination of paid sick leave design in 193 countries." *Global Public Health*, WORLD Policy Analysis Center, UCLA. 29 April 2020.
- 41 Drago, Robert, and Vicky Lovell.
- 42 Appelbaum, Eileen, and Ruth Milkman.
- 43 Ibid.
- 44 Sandner and Scheil-Adlung.
- 45 During COVID-19, the insured hours has been lowered to 120. See: Government of Canada. "EI Sickness benefits: What these benefits offer." canada.ca/en/services/benefits/ei/ei-sickness.html.
- 46 *Canada Labour Code. R.S.C., 1985, c. L-2*. laws-lois.justice.gc.ca/eng/acts/L-2/page-45.html#h-1200847.
- 47 New Democratic Party. "Ready for Better – New Democrat's Commitments to You." August, 2021. <http://xfer.ndp.ca/2021/Commitments/Ready%20for%20Better%20-%20NDP%202021%20commitments.pdf>.
- 48 Turnbull, Sarah. "Liberals pledge 10 days paid sick leave for federally-regulated employees." CTV News. August 20, 2021. ctvnews.ca/politics/federal-election-2021/liberals-pledge-10-days-paid-sick-leave-for-all-federally-regulated-employees-1.5554813.
- 49 Raub, Amy, et al. *Paid Leave for Personal Illness: A Detailed Look at Approaches Across OED Countries*. WORLD Policy Analysis Center. UCLA. 2018.

- 50 Hye, Jin Rho, Shawn Fremstad and Jared Gaby-Biegel. "Contagion Nation 2020: United States Still the Only Wealthy Nation without Paid Sick Leave." *Center for Economic Policy Research*. March 19, 2020. cepr.net/report/contagion-nation-2020-united-states-still-the-only-wealthy-nation-without-paid-sick-leave/.
- 51 In Washington State, workers accrue one hour of paid sick leave for every 40 hours worked. At full-time hours, this works out to 52 hours or approximately six and a half days of paid sick leave. Washington also allows workers to carryover up to 40 unused hours each year. See: Washington State Department of Labour and Industries. "Paid Sick Leave Minimum Requirements." ini.wa.gov/workers-rights/leave/paid-sick-leave/paid-sick-leave-minimum-requirements#accruing-paid-sick-leave.
- 52 San Francisco requires employers to provide paid sick leave to all employees (including temporary and part-time employees) who perform work in San Francisco. Employees earn one hour of paid sick leave for every 30 hours worked. Employers with 10 or more employees may cap an employee's sick time balance at 72 hours. Employers with fewer than 10 employees may cap an employee's sick time balance at 40 hours. See: City and County of San Francisco Office of Labour Standards Enforcement. "Paid Sick Leave Ordinance." sfgov.org/olse/paid-sick-leave-ordinance-pslo.
- 53 In New Zealand, workers can accumulate up to 20 sick days if they go unused. See: Employment New Zealand. "Sick leave entitlements." employment.govt.nz/leave-and-holidays/sick-leave/sick-leave-entitlements/#:~:text=The%20maximum%20amount%20of%20sick,agreement%20or%20through%20workplace%20policies.
- 54 In Australia, workers have employer-paid sick leave when they can't work because of a personal illness or injury. This can include stress and pregnancy related illnesses. The yearly entitlement is based on an employee's ordinary hours of work and is 10 days for full-time employees, and pro-rata for part-time employees. See: Australian Government Fair Work Ombudsman. "Paid sick and carer's leave." fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave.
- 55 Library of Congress. "Sweden: Government Temporarily Amends Sick Leave Rules During Coronavirus Outbreak." *Global Legal Monitor*. Mar 3, 2020. loc.gov/item/global-legal-monitor/2020-03-20/sweden-government-temporarily-amends-sick-leave-rules-during-coronavirus-outbreak/.
- 56 See: City of Hamburg. "Sick Leave." hamburg.com/residents/work/11878118/sick-leave/.
- 57 "Labour Minister Bains says ride-hailing companies are not exempt from labour laws." *Voice Online*. October, 2 2019. voiceonline.com/labour-minister-bains-says-ride-hailing-companies-are-not-exempt-from-labour-laws/.
- 58 Faus, Joan, and Belén Carreño. "Gig-economy riders in Spain must become staff within 90 days under new rule." *Reuters*. 11 May 2021.
- 59 Russon, Mary-Ann. "Uber drivers are workers, not self-employed." BBC. February 19, 2021. A Supreme Court decision in the UK recognized employment rights for gig workers.
- 60 Hawkins, Andrew J. "Biden Labor Department reverses Trump-era gig worker rule." *The Verge*. May 5, 2021. theverge.com/2021/5/5/22420896/biden-labor-department-reverse-gig-worker-rule-trump.
- 61 Results are based on an online study conducted from August 18 to August 20, 2021, among 800 adults in British Columbia. The data has been statistically weighted according to Canadian census figures for age, gender and region in British Columbia. The margin of error — which measures sample variability — is +/- 3.5 percentage points, nineteen times out of twenty. For a full copy of the research: bcfed.ca/sites/default/files/attachments/Factum_BCFed_PSL_20Aug2021_0.pdf
- 62 Detailed breakdowns of the cross tabulations from the polling can be obtained by contacting the BC Federation of Labour.
- 63 Based on 7.5 hours being equivalent to an 8-hour work day with a half-hour unpaid meal break.
- 64 Labor and Workforce Development Agency. "ABC Test." Accessed August 17, 2021, www.labor.ca.gov/employmentstatus/abctest/.



UNIVERSAL

SEAMLESS

PROTECTED

FULLY PAID



AMPLE

