

LEGISLATIVE BRIEFING

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BC EMPLOYMENT STANDARDS ACT CHANGES ANNOUNCED

On Monday, April 9, 2018, the Government of British Columbia announced changes to the B.C. Employment Standards Act. Bill 6 introduces five new and extended unpaid leaves for employees. The Bill precedes the overhaul of the Employment Standards Act expected to be proposed in the future.

KEY AMENDMENTS

Bill 6 proposes five (5) new and extended leaves (see Table 1 below). While these leaves are unpaid, employee compensation may be supplemented with employment insurance funds and top-up contributions provided by employers.

Table 1: BC Employment Standards Act Amendments

Amendment	Current	Proposed
1. Pregnancy Leave	Entitled to leave of absence 11 weeks prior to expected due date	Entitled to leave of absence 13 weeks prior to expected due date
2. Parental Leave	Birth Mothers: entitled to 12 months (48 weeks) total (pregnancy and parental) Non-Birth Mothers & Adoptive Parents: entitled to 37 weeks of parental leave	Birth Mothers: entitled to 18 months (78 weeks) total (pregnancy and parental) Non-Birth Mothers & Adoptive Parents: entitled to 15 months (60 weeks) parental leave within the 18 month period
3. Compassionate Care Leave	Entitled to 8 weeks	Entitled to 27 weeks within a 52 week period
4. Child Death Leave (NEW) – Entitlement for parents of a child who dies under any circumstances prior to their 19 th birthday	N/A – Parents currently entitled to 3 days of Bereavement Leave	Entitled to 104 weeks (in addition to 3 days of Bereavement Leave)
5. Crime-Related Child Disappearance (NEW) – Entitlement for parents of a child who goes missing as a result of a crime	N/A	52 WEEKS

The amendments will come into affect immediately once the legislation receives Royal Assent. The transitional provisions in the Act provide that some of the leaves will apply to employees currently on a leave or anticipating a leave (e.g. maternity leave).

BACKGROUND

Bill 6 amendments align leave entitlements received by provincially regulated employees in British Columbia with leave entitlements provided to other provincial and federally regulated employees.

For example, amendments made to Parental Leave and Compassionate leave align with the changes introduced when the federal government amended the *Employment Insurance Act* in December, 2017. The introduction of job-protection for a leave of absence due to the death of a child aligns with entitlements provided in the province of Ontario. Additionally, the introduction of job-protection during a leave of absence triggered by a crime-related child disappearance brings British Columbia in line with entitlements provided in all other provinces.

In addition to the changes introduced in Bill 6, broader changes to the *Employment Standards Act* are expected. The Ministry of Labour states that a review of the act is currently underway.

Bill 6 has received second reading. We will keep you updated regarding the progress of this Bill.

QUESTIONS?

If you have any comments or questions about this update please contact Karen Jewell, Division Manager of Information, Compensation and Advisory Services at 604-432-6228 or by email at karen.jewell@metrovancover.org.

SOURCE

"*New and extended leaves support for working families.*" Government of British Columbia, April 9, 2018.
<<https://news.gov.bc.ca/releases/2018LBR0007-000602>>