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Implementing 10 days of paid sick leave: What workers' need

**Recommendations from the Fight for \$15 and Fairness, Workers' Action Centre,
and Parkdale Community Legal Services**

1. Introduction

Public Health Officers across the country are telling people to stay home from work when sick. The government proposal for 10 days paid sick leave across the country is a crucial step to enable workers, particularly in the midst of the COVID recession, to actually go home, or stay home from work when sick.

2. What do people need to be able to stay home from work when sick?

Sick days must be paid by the employer

- Paid sick days must be received in regular paychecks because bills and rent are due regularly;
- CERB program sick pay would have to be a paid on a flat rate amount to be timely such as \$500 per week – i.e., one paid sick day is \$100. This may not be appropriate for paid sick days (too little for people earning more than minimum wage which in Ontario would be over \$100 per day). This may be inadequate to achieve the public health objective of enabling people to stay home from work when sick due to loss in earnings.
- It is unlikely that the EI system will have the capacity to process and payout individual worker's sick day pay. The requirement for sick days are often intermittent, requiring multiple applications to an already overloaded system.

Paid sick leave must be job protected

- Any paid sick leave provision would have to provide employees with a job-protected right to take leave without reprisals. This is particularly the case in workplaces deemed essential under COVID-19 which have experienced significant staff shortages and for businesses/sectors at higher risk of COVID infections that will be opening over the coming weeks.

At least 10 work days of paid sick leave

- The sectors of the economy with the least likelihood of employer paid sick days are those that are now on the front lines battling COVID and providing Canadians with essential goods and services.

- 10 days of paid leave would enable people to adhere to public health officers' directives to take time off work to get tested and to self-isolate if necessary, however it must also enable sick leave to be taken intermittently based on individual's illnesses.

Accessible to all workers

- The CERB is accessible to employees that have been misclassified as independent contractors, workers without labour standards protections due to employment standards that have not kept up with changing business models, and low income self-employed.

These barriers require strong proactive enforcement of labour standards and updating of labour standards to protect those in precarious work. In the meantime, these workers need access to paid sick leave to stay home when sick. CERB may provide a short-term program for paid sick days for such workers.

No doctor's notes

- Various jurisdictions' emergency job protected COVID leave prohibit employers from requiring medical notes. This is sound public health policy and necessary for paid sick leave.

Link paid sick leave programs to effective and accessible EI sick benefits for illness that extends beyond 10 paid sick days.

- Maintain March 2020 EI improvements that waived the one-week waiting period and requirement for medical note up front
- Put into effect the promised 26 weeks of EI Sick benefits
- Wage replacement must be 75% or 85% or earnings so low wage workers can actually use this sick leave benefit when sick.

3. How do we do it?

Federal Government – Lead by example

Legislate the 10 paid sick leave days for federally-regulated employees and public services employees:

- Amend Canada Labour Code to extend paid sick leave provision from three (3) days to 10 days and remove the current 3-month service requirement for eligibility.
- Ensure that all employees in the Public Service of Canada and parliamentary employees receive a minimum of 10 days of paid sick leave annually, with no service requirement for eligibility.
- Enforce the legislation proactively to stop the misclassification of employees as independent contractors so these workers can access paid sick leave.
- Improve EI sick leave to assist workers needing sick leave beyond 10 days of employer-paid sick leave

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Federal and Provincial Leadership

Provincial and territorial governments are responsible for labour standards for non-federally-regulated workplaces (about 93% of workers).

Provincial and territorial governments must:

- Amend existing employment standards legislation to require a minimum of 10 days of employer-paid sick leave per year.
- Extend the current temporary measures in most jurisdictions that prohibit the requirement of medical notes to sick leave.

Employment standards regimes must provide a claims process for employees who have not received paid sick leave or been penalized for taking paid sick leave.

Governments may consider measures to support small employers:

[New York state](#) adopted legislation March 18, 2020 for COVID Paid Sick Leave. This employer paid sick leave sets out limits by firm and budget size:

- all public employers and employers with 100 or more employees to provide at least 14 days of paid sick leave;
- Employers with 11-99 employees provide at least 5 paid sick days;
- Employers with 1 to 10 employees with over \$1 million in net income must pay at least 5 paid sick days;
- Employers with 1 to 10 employees but with a net income of \$1 million or less are not required to provide paid sick days but shall use paid family leave and disability.

No use of public money to subsidize profitable corporations

If any federal-provincial programs are developed along the lines of pandemic pay, then limits must be placed on the use of public funds to subsidize employer-provided paid sick days.

For example, companies that have continued to operate and report profits during COVID such as Loblaws, Chartwell, Walmart, and Amazon should not be able to access public funds for employer-paid sick days that would be required under any such programs.

Paid sick days must be permanent

The COVID-19 pandemic has made it abundantly clear that we need a permanent policy of employer paid sick days for individual and public health. Indeed, New York State also passed [legislation](#) on April 3, 2020 to permanently require 5 to 7 employer paid sick days.

For more information:

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