

FAQs RE: BC-ESA Paid Sick Days for Union Employees

1. Are casual employees who work in two different departments at UVic entitled to the 5 BC-ESA Paid Sick Days and 3 unpaid days?

Yes, UVic is considered one employer regardless of the employee working in different departments. After 90 days of employment, a casual employee is entitled to the 5 BC-ESA Paid Sick Days and 3 unpaid sick days, based on an average day's pay.

Please note that the BC-ESA Sick Days do not compound beyond the 5 BC-ESA Paid Sick Days and 3 unpaid days.

Payroll will run a monthly audit report to see which casual employees have reached the maximum or have exceeded BC-ESA sick leave entitlements and notify the applicable departments.

2. Casual employees can be active in the system for long periods of time (sometimes years) but aren't always physically working. Are they entitled to the BC-ESA Paid Sick Days?

It depends, on the day they are sick and how much the employee has worked. Supervisors would refer to the work schedule and count back 90 days, and if they worked a minimum of one day during that period, then yes. The employee would be entitled to a paid sick day, based on an average day's pay, within the past 30 days.

3. Does the BC-ESA Paid Sick Leave apply to co-op students?

Yes, the BC ESA Paid Sick Leave entitlement applies to co-op students, after 90 days of employment.

4. Who is responsible for calculating and keeping track of the BC-ESA Paid Sick Leave?

It is up to the supervisor and/or department to track and calculate entitlements.

5. How should departments calculate the BC Sick Leave entitlement for the 5 paid sick days per year? Should the entitlement be based on the employee's hire date or based on calendar year?

In response to hearing from numerous employers, the BC government has recently amended the act to make the calculations based on a calendar year in order to simplify the administrative process. These changes are effective immediately.

6. BC Sick Days for casuals are to be reported via timesheet or web/department time entry – does this mean that employees will get paid appropriately for the sick days regardless of how it's recorded via timesheet or web/department time entry? Is there anything 'more' departments need to do in terms of paperwork to ensure the time off is not just 'recorded' but also compensated appropriately according to the average days' pay formula?

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For casual employees, the supervisor and/or department can report the sick time via timesheet (online or not); this process will ensure that casual employees will be paid at the job rate. The supervisor and/or department is only required to calculate the number of hours.

How does 'recording' of the BC Sick days work for salaried employees?

For salaried employees, the expectation is that the supervisor and/or department provides their employees with the 5 BC sick days (pro-rated for partial year employment). There is no formal tracking for salaried employees so it is up to the supervisor and/or department to keep track of their salaried employees' sick leave.

7. Many of our union employees work part-time and or irregular schedules. Who is responsible for calculating their entitlement and will payroll be handling the average day's pay calculations for employees who are not on fixed income?

It is the supervisor and/or department's responsibility for calculating their employees' entitlements. The Payroll Department will only input information received from the supervisor and/or department

8. Who is responsible for calculating an average workday? **The supervisor and/or department is responsible for calculating the average workday.**
9. Does a tool exist for calculating the average day's pay? **Currently, no calculator exists. Please see the examples below which illustrates how to calculate an average day's pay.**

Please see explanation of how to calculate [average day's pay](#) as per BC ESA.

See below for quick reference to information and examples:

Calculating an "average day's pay"

An average day's pay is calculated by dividing the amount paid or payable in the 30 calendar days before the leave by the number of days worked during that 30-day period.

- "Amount paid" includes regular wages, commissions, statutory holiday pay, annual vacation pay, and sick pay required by this Act, but does not include overtime pay. Payments from benefit plans are not considered wages for the purposes of this section.
- "Days worked" includes, for the purposes of this section, any days when wages were earned. This would include days of paid annual vacation, paid statutory holidays, or other paid sick days required by this Act that occur in the 30 calendar days prior to the sick day.

Example 1: An employee in the food service industry worked 20 out of the 30 days before they took sick leave. Each week, they worked 4 hours per day on Tuesday,

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Wednesday and Thursday, and 10 hours per day on Friday and Saturday. Their regular wage is \$17 per hour.

Overtime is not included in the calculation for an average day's pay. There are 12 hours total for Tuesday, Wednesday, and Thursday (4 hours x 3 days) and 16 hours for Friday and Saturday (20 hours - 4 hours overtime). The total is 28 hours per week x 4 weeks. There are 112 hours for the 20 days in total.

- 112 hours x \$17 per hour = \$1904
- \$1904 divided by 20 days = \$95.20

The sick pay entitlement in this example would be \$95.20 for one sick day.

Example 2: In the last 30 days, a salesperson worked 25 out of the 30 days before the sick leave. 10 hours per day, 6 days per week. The employee earns \$6000 per month plus commission. In the last 30 days, the employee was paid their salary and \$10,000 in commission. The employee works Monday-Saturday (60 hours per week) and was sick on Monday.

In this example, the regular wage is determined by the following calculations:

- \$6000 per month x 12 months = \$72,000 (annual salary)
- \$72,000 divided by 52 weeks = \$1384.62 (weekly salary)
- \$1384.62 divided by 60 hours per week = \$23.08 (regular wage)

Since this employee is a salesperson and not entitled to overtime, we would calculate the regular wage at 10 hours per day.

- \$23.08 x 10 hours per day x 25 days = \$5770

Commissions are money payable for work and need to be included in the calculation for an average day's pay. \$10,000 in commissions is added since it was paid within the 30 days before the sick leave.

- \$5770 + \$10,000 = \$15,770
- \$15,770 divided by 25 = \$630.80

The sick pay entitlement in this example would be \$630.80 for one sick day.

Example 3: A casual employee who has been employed for many years is scheduled to work two days in March. They do not earn any wages or work any shifts in January or February. On March 1st they work one 8 hour shift. They call in sick for their 3 hour shift on March 2nd. They are entitled to 8 hours of wages ("an average day's pay" based on the section 49.1(3) calculation) for the March 2nd sick day.